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सं. 45]

नई दिल्ली, शनिवार, नवम्बर 7, 1998/कार्तिक 16, 1920

No. 45]

NEW DELHI, SATURDAY, NOVEMBER 7, 1998/KARTIKA 16, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministry of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वसन विभाग)

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)

New Delhi, the 12th October, 1998

नई दिल्ली, 12 अक्टूबर, 1998

का.आ. 2144.—विस्थापित व्यक्ति (दावे) पूरक अधिनियम, 1954
(सं. 1954 की 12) की धारा 10 की उप-धारा (2) द्वारा मुझे प्रदत्त
शक्तियों का प्रयोग करते हुए मैं, विस्थापित व्यक्ति (दावे) पूरक अधि-
नियम, 1954 की धारा 5 के अन्तर्गत मुझ में निहित शक्तियों गृह मंत्रालय,
पुनर्वसन प्रभाग में श्री सुरजीत सिंह, अधीन सचिव को, विस्थापित व्यक्ति
(दावे) अधिनियम, 1950 के अन्तर्गत निर्णीत मामलों के पुनरीक्षण के
संबंध में उनके द्वारा प्रयोग किए जाने के लिए सौंपता हूँ

2 इनके द्वारा दिनांक 7/12-7-1993 की अधिसूचना सं. 1(4)/93-
Settlement (C) का अधिस्तन किया जाता है।

[सं. 1(4)/93-Settlement]

एम. के. चट्टोपाध्याय, मुख्य बंदीबन्धन आयुक्त

S.O. 2144.—In exercise of the powers conferred
on me by Sub-Section (2) of Section 10 of the
Displaced Persons (Claims) Supplementary Act,
1954 (No. 12 of 1954) I, delegate to Shri Surjit
Singh, Under Secretary in the Ministry of Home
Affairs, Rehabilitation Division, the powers
vested in me under Section 5 of the Displaced
Persons (Claims) Supplementary Act, 1954 to be
exercised by him in relation to revision of cases
decided under the Displaced Persons (Claims)
Act, 1950.

2. This supersedes notification No. 1(4)/93-
Settlement (C) dated 7/12-7-1993.

[No. 1(4)/93-Settlement]
S. K. CHATTOPADHYAY, Chief
Settlement Commissioner

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 25 सितम्बर, 1998

का.प्र. 2145 :—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गोवा राज्य सरकार सतर्कता निवेशालय, पणजी, की दिनांक 10 अगस्त, 1998 की अधिसूचना सं. 13/11/87-सतर्कता द्वारा प्राप्त गोवा राज्य सरकार की सहमति से संलग्न सूची में उल्लिखित अपराधों तथा उपर्युक्त अपराधों से संबंधित अथवा संसत प्रयत्न, दुष्प्रेरण और षडयंत्र तथा जैसे ही संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों के अन्वेषण के लिए, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण गोवा राज्य पर करती है।

[सं. 228/61/96-ए. बी.डी. -II]

हरि सिंह, अवर सचिव

अपराधों की सूची

(क) भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 34, 114, 120-बी, 121, 121-ए, 122, 123, 124, 124-ए, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153-ए, 153-बी, 161, 162, 163, 164, 165, 165-ए, 166, 167, 168, 169, 171-ई, 171-एफ, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 216, 216-ए, 218, 220, 222, 223, 224, 225, 225-बी, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-ए, 277, 279, 284, 285, 286, 292, 295, 295-ए, 302, 303, 304, 304-ए, 304-बी, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363-ए, 364, 365, 366, 367, 368, 376, 376-ए, 376-बी, 376-सी, 376-डी, 379, 380, 381, 382, 394, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 426, 427, 429, 431, 435,

436, 440, 447, 448, 452, 454, 456, 457, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477-ए, 489, 489-ए, 489-बी, 489-सी, 489-ई, 495, 498-ए, 499, 500, 501, 502, 504, 505, 506, 507, 509

(ख) केन्द्रीय अधिनियम

के अन्तर्गत दंडनीय अपराध :—

- वायुयान अधिनियम, 1934 1934 का अधिनियम सं. 22) तथा उसी अधिनियम के अन्तर्गत कथित अधिनियम
- अपहरण निरोध अधिनियम, 1982 (1982 का अधिनियम सं. 65)
- पुरावशेष तथा बहुमूल्य कलाकृति अधिनियम, 1972 (1972 का अधिनियम सं. 52)
- पुरावशेष (निर्यात नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम, सं. 31) निरस्त
- शस्त्र अधिनियम, 1959 (1959 का अधिनियम सं. 54)
- आणविक ऊर्जा अधिनियम, 1962 (1962 का अधिनियम सं. 33)
- केन्द्रीय उत्पाद शुल्क तथा नमक अधिनियम, 1944 (1944 का अधिनियम सं. 1)
- कम्पनी अधिनियम, 1956 (1956 का अधिनियम सं. 1)
- आपराधिक विधि (संशोधन) अधिनियम, 1961 (1961 का अधिनियम, सं. 23)
- सीमा शुल्क अधिनियम, 1962 (1962 का अधिनियम सं. 52)
- ग्रीष्म तथा प्रसाधन अधिनियम, 1940 (1940 का अधिनियम सं. 23)
- आवश्यक वस्तु अधिनियम, 1955 (1955 का अधिनियम सं. 10)
- विस्फोटक अधिनियम, 1884 (1884 का अधिनियम सं. 4)
- विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6)
- आपात काल प्रावधान (अनुक्रम) अध्यादेश, 1946 (1946 का अधिनियम सं. 20)
यदि केन्द्र सरकार के कर्मचारी, ठेकेदारों, या उप-ठेकेदारों अथवा उनके प्रतिनिधियों द्वारा केन्द्र सरकार द्वारा जारी किसी आदेश की अवहेलना की जाती है।
- विद्युत अधिनियम, 1910 (1910 का अधिनियम, सं. 9)

17. विदेश अभिदाय (नियमन) अधिनियम, 1976 (1976 का अधिनियम सं. 49)
18. विदेशी अधिनियम (1946 का अधिनियम सं. 3)
19. विदेश विनियम (नियमन) अधिनियम, 1973 (1973 का अधिनियम सं. 46)
20. सामान्य बीमा व्यवसाय (राष्ट्रीकरण) अधिनियम, 1972 (1972 का अधिनियम सं. 57)
21. उपहार कर अधिनियम, 1958 (1958 का अधिनियम सं. 18)
22. स्वर्ण नियंत्रण अधिनियम, 1968 (1968 का अधिनियम सं. 45)
23. आयकर अधिनियम 1961 (1961 का अधिनियम सं. 43)
24. आयात एवं निर्यात (नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम सं. 18)
25. बीमा अधिनियम, 1938 (1938 का अधिनियम सं. 4)
26. उद्योग (विकास तथा नियमन) अधिनियम, 1951 (1951 का अधिनियम सं. 65)
27. मोटर गाड़ी अधिनियम, 1939 (1939 का अधिनियम सं. 4)
28. स्थापक श्रौषध तथा मनः प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम सं. 61)
29. शासकीय गुप्त अधिनियम, 1923 (1923 का अधिनियम सं. 19)
30. पारपत्र अधिनियम 1920 (1920 का अधिनियम सं. 24) तथा पारपत्र नियमावली, 1950 का नियम सं. 6
31. पारपत्र (भारत में प्रवेश) नियमावली, 1950 (भारत में प्रवेश) अधिनियम 1920 (1920 का अधिनियम सं. 34 के साथ पठित पारपत्र)
32. पारपत्र अधिनियम, 1967 (1967 का अधिनियम सं. 15)
33. भ्रष्टाचार निवारण अधिनियम, 1947 (1947 का अधिनियम सं. 2)
34. भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49)
35. डाकघर अधिनियम सं. 1898 (1898 का अधिनियम सं. 6)
36. आद्य अपमिश्रण निवारण अधिनियम, 1954 (1954 का अधिनियम सं. 37)
37. लोकसम्पत्ति मुक्तसाम निवारण अधिनियम, 1984 (1984 का अधिनियम सं. 3)
38. स्थापक श्रौषध तथा मनः प्रभावी पदार्थों के अवैध निर्यात संबंधी निवारक अधिनियम, 1988 (1988 का अधिनियम सं. 46)
- रेलवे अधिनियम 1890 (1890 का अधिनियम सं. 9)
40. रेलवे भंडारण (श्रवैध कब्जा) अधिनियम, 1955 (1955 का अधिनियम सं. 51)
41. लोक अधिनियम अभ्यावेदन, 1950 (1950 का अधिनियम सं. 43)
42. लोक अधिनियम अभ्यावेदन, 1951 (1951 का अधिनियम सं. 43)
43. विदेशी पंजीकरण अधिनियम, 1939 (1939 का अधिनियम सं. 16)
44. नागरिक उद्बुद्धय अधिनियम, 1982 (1982 का अधिनियम सं. 66) की सुरक्षा के लिए गैर-कानूनी अधिनियम का अधिक्रमण।
45. धार्मिक संस्थानों (दुरुपयोग निवारण) अधिनियम, 1988 (1988 का अधिनियम सं. 41)
46. तार अधिनियम 1885 (1885 का अधिनियम सं. 13)
47. तार और बेतार (गैरकानूनी कब्जा) अधिनियम, 1950 (1950 का अधिनियम सं. 74)
48. आतंकवादी तथा विध्वंसकारी गतिविधियां (निवारक) अधिनियम, 1985 (1985 का अधिनियम सं. 31) तथा उसके अन्तर्गत बनाए गए नियम,
49. आतंकवादी तथा विध्वंसकारी गतिविधियां (निवारक) अधिनियम, 1987 (1987 का अधिनियम सं. 28) तथा उसके अन्तर्गत बनाए गए नियम
50. गैर-कानूनी गतिविधियां (निवारक) अधिनियम, 1967 (1967 का अधिनियम सं. 37)
51. बेतार तथा तार अधिनियम, 1933 (1933 का अधिनियम सं. 17)
52. सम्पत्ति कर अधिनियम, 1957 (1957 का अधिनियम सं. 27)
- (ग) राज्य अधिनियम के अन्तर्गत दंडनीय अपराध
 1. असम अफीम प्रतिबंधित अधिनियम, 1947
 2. बिहार तथा उड़ीसा उत्पाद शुल्क अधिनियम, 1915 (बिहार तथा उड़ीसा अधिनियम, 1915 का अधिनियम सं. 2)
 3. (क) जम्मू तथा कश्मीर राज्य रणबीर दंड संहिता संवत्, 1989 (जम्मू तथा कश्मीर अधिनियम संवत्, 1989 का अधिनियम सं. 12) की धारा :—
121, 161, 162, 163, 164, 165, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211,

218, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, 262, 263, 263-ए, 341, 342, 363, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 395, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477-ए, 489-ए, 489-बी, 489-सी, 489-डी।

(ख) जम्मू तथा कश्मीर भ्रष्टाचार निवारण अधिनियम संवत् 2006 (संवत् 2006 का जम्मू और कश्मीर अधिनियम सं. 13)

(ग) 1962 का सीमा शुल्क अधिनियम की धारा 132, 133, 135, 136, (1962 का जम्मू और कश्मीर अधिनियम सं. 52)

(घ) जम्मू और कश्मीर सरकार द्वारा जारी संवत् 2005 का उर्जा साधक अधिनियम

4. पंजाब विशेष शक्तियां (प्रेस) अधिनियम 1956 (1956 का पंजाब अधिनियम सं. 38)

5. उत्तर प्रदेश भारतीय चिकित्सा अधिनियम 1939 (1939 का उ. प्र. अधिनियम सं. 10)

6. पश्चिम बंगाल सुरक्षा अधिनियम 1950 (1950 का प. बं. अधिनियम सं. 19) जैसाकि पश्चिम बंगाल सरकार द्वारा पुनः अधिनियमित किया गया (पुनः अधिनियमित तथा वैधता अध्यादेश 1966)

तथा उपर्युक्त क, ख, ग में दर्शाए गए अपराधों से संबंधित अथवा संसक्त प्रयत्नों वृष्णेरणों और षड्यंत्रों तथा वैसे ही संयवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के संबंध में।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel & Training)

ORDER

New Delhi, the 25th September, 1998

S.O.2145.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Goa, Directorate of Vigilance, Panaji vide Notification No. 13/11/87-VIG. dated 10-8-1998, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Goa for the investigation of offences mentioned in the list enclosed and attempt, abetment and conspiracy in relation to or in connection with the

above said offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/61/96-AVD. II]
HARI SINGH, Under Secy.

LIST OF OFFENCES

A. Offences punishable under Section 34, 114, 120B, 121, 121A, 122, 123, 124, 124A, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153A, 153B, 161, 162, 163, 164, 165, 165A, 166, 167, 168, 169, 171E, 171F, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 216, 216A, 218, 220, 222, 223, 224, 225, 225B, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263A, 277, 279, 284, 285, 286, 292, 295, 295A, 302, 303, 304, 304A, 304B, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 332, 333, 336, 337, 338, 341, 343, 342, 344, 346, 347, 352, 353, 354, 355, 363, 363A, 364, 365, 366, 367, 368, 376, 376A, 376B, 376C, 376D, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 426, 427, 429, 431, 435, 436, 440, 447, 448, 452, 454, 456, 457, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477A, 489, 489A, 489B, 489C, 489D, 489E, 495, 498A, 499, 500, 501, 502, 504, 505, 506, 507, 509 of Indian Penal Code 1860 (Act No. 45 of 1860).

B. Central Acts :

Offences punishable under:

1. Aircraft Act, 1934 (Act No. 22 of 1934) and rules made under the said Act.
2. Anti-Hijacking Act, 1982 (Act No. 65 of 1982).
3. Antiquities and Art Treasures Act, 1972 (Act No. 52 of 1972).
4. Antiquities (Export Control) Act, 1947 (Act No. 31 of 1947). Repealed.
5. Arms Act, 1959 (Act No. 54 of 1959).
6. Atomic Energy Act, 1962 (Act No. 33 of 1962).
7. Central Exercises and Salt Act, 1944 (Act No. 1 of 1944).
8. Companies Act, 1956 (Act No. 1 of 1956).
9. Criminal Law (Amendment) Act, 1961 (Act No. 23 of 1961).
10. Customs Act, 1962 (Act No. 52 of 1962).
11. Drugs and Cosmetics Act, 1940 (Act No. 23 of 1940).
12. Essential Commodities Act, 1955 (Act No. 10 of 1955).

13. Explosives Act, 1884 (Act No. 4 of 1884).
 14. Explosive Substances Act, 1908 (Act No. 6 of 1908).
 15. Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance No. 28 of 1946) if committed by the Employees of the Central Government or contractors or sub-contractors or their representatives by contravening any order issued by the Central Government.
 16. Electricity Act, 1910 (Act No. 9 of 1910).
 17. Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976).
 18. Foreigners Act, 1946 (Act No. 31 of 1946).
 19. Foreign Exchange Regulation Act, 1973 (Act No. 46 of 1973).
 20. General Insurance Business Nationalisation) Act, 1972 (Act No. 57 of 1972).
 21. Gift Tax Act, 1958 (Act No. 18 of 1958).
 22. Gold Control Act, 1968 (Act No. 45 of 1968).
 23. Income Tax Act, 1961 (Act No. 43 of 1961).
 24. Import and Export (Control) Act, 1947 (Act No. 18 of 1947).
 25. Insurance Act, 1938 (Act No. 4 of 1938).
 26. Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951).
 27. Motor Vehicles Act, 1939 (Act No. 4 of 1939).
 28. Narcotic Drugs and Psychotropic Substance Act, 1985 (Act No. 61 of 1985).
 29. Official Secrets Act, 1923 (Act No. 19 of 1923).
 30. Passport Act, 1920 (Act No. 24 of 1920) and rule 6 of Passport Rules, 1950.
 31. The Passport (Entry into India) Rules, 1950 r/w Passport (Entry into India) Act, 1920 (Act No. 34 of 1920).
 32. Passport Act, 1967 (Act No. 15 of 1967).
 33. Prevention of Corruption Act, 1947 (Act No. 2 of 1947).
 34. Prevention of Corruption Act 1988 (Act No. 49 of 1988).
 35. Post Office Act, 1898 (Act No. 6 of 1898).
 36. Prevention of Food Adulteration Act, 1954 (Act No. 37 of 1954).
 37. Prevention of Damage to Public Property Act, 1984 (Act No. 3 of 1984).
 38. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 (Act No. 46 of 1988).
 39. Railways Act, 1890 (Act No. 9 of 1890).
 40. Railways Stores (Unlawful Possession) Act, 1955 (Act No. 51 of 1955).
 41. Representation of the People Act, 1950 (Act No. 43 of 1950).
 42. Representation of the People Act, 1951 (Act No. 43 of 1951).
 43. Registration of Foreigners Act, 1939 (Act No. 16 of 1939).
 44. Suppression of Unlawful Act against Safety of Civil Aviation Act, 1982 (Act No. 66 of 1982).
 45. The Religious institutions (Prevention of Misuse) Act, 1988 (Act No. 41 of 1988).
 46. Telegraph Act, 1885 (Act No. 13 of 1885).
 47. Telegraph Wires (Unlawful Possession) Act, 1950 (Act No. 74 of 1950).
 48. Terrorist and Disruptive Activities (Prevention) Act, 1985 (Act No. 31 of 1985) and rules made thereunder.
 49. Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987) and Rules made thereunder.
 50. Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).
 51. Wireless and Telegraphy Act, 1933 (Act No. 17 of 1933).
 52. Wealth Tax Act, 1957 (Act No. 27 of 1957).
- C. State Acts;
- Offences punishable under;
1. Assam Opium Prohibition Act, 1947.
 2. Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act No. 2 of 1915).
 3. (a) Section 121, 161, 162, 163, 164, 165, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211, 218, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, 262, 263, 263A, 341, 342, 363, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 395, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477A, 489A, 489B, 489C, 489D of Jammu and Kashmir State Ranbir Penal Code Sambat 89 (Jammu and Kashmir Act No. 12 of Sambat 1989).
 - (b) Jammu and Kashmir State Prevention of Corruption Act Sambat 2006 (J&K Act, No. 13 of Sambat 2006).
 - (c) Section 132, 133, 135, 136 of the Custom Act, 1962 (Jammu and Kashmir Act, No. 52 of 1962).

(d) Energy Agents Ordinance of Sambat 2005 issued by Government of Jammu and Kashmir.

4. Punjab Special Powers (Press) Act, 1956 (Punjab Act No. 38 of 1956).

5. Uttar Pradesh Indian Medicines Act, 1939 (U.P. Act No. 10 of 1939).

6. West Bengal Security Act, 1950 (W.B. Act No. 19 of 1950) as re-enacted by the West Bengal Security (re-enacted and validation) Ordinance, 1966.

Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned at A, B, C and any other offences committed in the course of the same transaction arising out of the same acts.

वित्त मंत्रालय

(प्राथमिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 21 अक्टूबर, 1998

का.प्रा. 2146.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निविष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निविष्ट व्यक्तियों के स्थान पर कालम (1) में निविष्ट भारतीय स्टेट बैंक के अनुषंगी बैंकों में निवेशक के रूप में नामित करती है :—

सारणी

1	2	3
स्टेट बैंक आफ इंदौर	श्री डी.के. त्यागी, निदेशक, वित्त मंत्रालय, प्राथमिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।	श्री एस.के. बतरा
स्टेट बैंक आफ पटियाला	श्री एस.के. बतरा अवर सचिव, वित्त मंत्रालय, प्राथमिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।	श्री सी.बी. प्रसाद
स्टेट बैंक आफ मैसूर	श्री सी.बी. प्रसाद, अवर सचिव, वित्त मंत्रालय, प्राथमिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।	श्री बी.पी. भारद्वाज
स्टेट बैंक आफ हैदराबाद	श्री बी.पी. भारद्वाज, अवर सचिव, वित्त मंत्रालय, प्राथमिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।	श्री अमृत मिश्र
स्टेट बैंक आफ बीकानेर एंड जयपुर	श्री अरुण चन्दा, अवर सचिव, वित्त मंत्रालय, प्राथमिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।	श्री बी.बी. व्यास

[एफ. सं. 9/9/98-बी.ओ. I]

के.के. मंगल, अवर सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 21st October, 1998

S.O.2146.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act., 1959 (38 of 1959), the Central Government, hereby nominates the persons specified in column (2) of the table below as Directors of the subsidiary banks of the State Bank of India specified in column (1) there of in place of the persons in specified in column (3) of the said Table, with immediate effect and until further orders:—

TABLE

1	2	3
State Bank of Indore	Shri D.K. Tyagi, Director, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi	Shri S.K. Batra
State Bank of Patiala	Shri S.K. Batra, Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi	Shri C.B. Prasad
State Bank of Mysore	Shri C.B. Prasad, Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi	Shri V.P. Bhardwaj
State Bank of Hyderabad	Shri V.P. Bhardwaj Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi	Shri Anoop Mishra
State Bank of Bikaner & Jaipur	Shri Arun Chandra, Under Secretary, Ministry of Finance Department of Economic Affairs, Banking Division, New Delhi	Shri B.B. Vyas

[F.No. 9/9/98-B.O.I.]
K.K. MANGAL, Under Secy.

नई दिल्ली 22 अक्टूबर 1998

का.प्र. 2147—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कर्नाटक बैंक लि. पर

कर्नाटक के जिला हसन तालुक अर्कलगुड, ग्राम मथलीपटना में इसके द्वारा धारित भवन सम्पत्ति के संबंध में 30 अगस्त, 1999 तक की अवधि के लिये लागू नहीं होंगे।

[मं. 15/7/96—बी.ओ.ए.]
श्रीमती पी. मोहन निदेशक

New Delhi, the 22nd October, 1998

S.O. 2147.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to Karnataka Bank Ltd., in respect of its holding building property at Mallipatna Village, Arkalgud Talug, Hassan District, Karnataka, for a period upto 30th August, 1999.

[F. No. 15/7/96-BOA]
MRS. P. MOHAN, Director (BO)]

नई दिल्ली, 23 अक्टूबर, 1998

का.आ. 2148.—भारतीय स्टेट बैंक (अनुपंगी बैंक) अधिनियम 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) खण्ड (गख) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा इस समय अनुपंगी बैंक अधिकारी परिसंघ के स्टेट बैंक आफ ब्रावणकोर इकाई के सचिव (निरीक्षण विभाग प्रधान कार्यालय तिरुवनन्तपुरम में मुख्य प्रबंधक के रूप में तैनात) श्री एन.एस. मुरलीधरन नायर को 23 अक्टूबर, 1998 से 22 अक्टूबर 2001 तक अथवा स्टेट बैंक आफ ब्रावणकोर के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक इन में से जो भी पहले हो स्टेट बैंक आफ ब्रावणकोर के बोर्ड में निदेशक नामित करती है। यह नामांकन रिट याचिका संख्या 4422-23/1998 (एल) पर कर्नाटक उच्च न्यायालय के अन्तिम निर्णय की शर्त के अधीन होगा।

[एफ. संख्या 8/9/97-बी.ओ.-आई.]
के.के. मंगल, अवर सचिव

New Delhi, the 23rd October, 1998

S.O. 2148.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri N. S. Muraleedharan Nair presently Secretary of the State Bank of Travancore Unit of the Associate Banks Officers' Association posted as Chief Manager, Inspection Department, Head Office, Thiruvananthapuram as a Director on the Board of State Bank of Travancore with effect from 23rd October, 1998 and upto 22nd October, 2001, or until he ceases to be an officer

of State Bank of Travancore, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 8/9/97-B.O. I]
K. K. MANGAL, Under Secy.

नई दिल्ली, 26 अक्टूबर, 1998

का.आ. 2149.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खंड 3 के उपखंड (i) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा वित्त, मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के उप सचिव श्री यू.पी. सिंह को डा० तरुण दास के स्थान पर तत्काल प्रभाव से और अगले आदेशों तक के लिए इलाहाबाद बैंक के बोर्ड में निदेशक नामित करती है।

[एफ.सं. 9/9/98-बी.ओ.-आई.]
के.के. मंगल, अवर सचिव

New Delhi, the 26th October, 1998

S.O. 2149.—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri U. P. Singh, Deputy Secretary, Ministry of Finance, Department of Economics Affairs (Banking Division), New Delhi as a Director on the Board of Allahabad Bank with immediate effect and until further orders vice Dr. Tarun Das.

[F. No. 9/9/98-B.O. I]
K. K. MANGAL, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 27 अक्टूबर, 1998

का.आ. 2150.—सर्वसाधारण धर्म जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स जी आर यू एच फाइनेंस लि. सी यू कालेज के पीछे निकट अम्बिका हाउस आयकर मंडल आश्रम रोड अहमदाबाद को आयकर अधिनियम 1961 की धारा 36(1)(8) के प्रयोजनार्थ कर निर्धारण वर्ष 1998 में

1998-99 और 1999-2000 के लिये अनुमोदित किया गया है।

यह अनुमोदन इस शर्त पर किया जाता है कि यह कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्ध के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10737/फा.सं. 204/49/95-
आयकर नि.-ii]

मालती आर. श्रीधरन, अवर सचिव

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)
New Delhi, the 27th October, 1998

S.O. 2150.—It is notified for general information that M/s. GRUH Finance Limited, Ambica House B/H C.U. College, near Income tax Circle Asharam Road, Ahmedabad has been approved by the Central Government for the purposes of Section 36(1)(viii) of the Income Tax, 1961, for the assessment years 1998-99 and 1999-2000.

The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10737/F. No. 204/49/95-ITA II]
MALATHI R. SRIDHARAN, Under Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 29 अक्टूबर, 1998

का०आ० 2151.—सामान्य सूचना के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार ने कर निर्धारण वर्ष 1998-99 तथा 1999-2000 के लिए आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ मैसर्स पियर-लेस अबासन फाइनेंस लिमिटेड, 75 सी, पार्क स्ट्रीट, 7वां तल, कलकत्ता-700016 को अनुमोदित किया है।

यह अनुमोदन इस शर्त के अधीन किया गया है कि यह कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं० 10739/फा०सं० 204/9/95-आयकर नि०-
II(खण्ड-II)]

अशीमा गुप्ता, अवर सचिव

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 29th October, 1998

S.O. 2151.—It is notified for general information that M/s. Peerless Abasan Finance Limited, 2793 GI/98—2.

75-C, Park Street, 7th Floor, Calcutta-700016 has been approved by the Central Government for the purposes of Section 36(1)(viii) of the Income Tax Act, 1961, for the assessment years 1998-99 and 1999-2000.

The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10739/F. No. 204/9/95-ITA. II
(Pt. II)]

ASHIMA GUPTA, Under Secy.

आयकर महानिदेशक (छूट) का कार्यालय

कलकत्ता, 1 जुलाई, 1998

[आयकर

का.आ. 2152.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए भगल लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन," न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिमाव को भी प्रस्तुत करेगा।

संगठन का नाम

ग्रौन इंडिया हार्ट फाउण्डेशन, 4874, (फस्ट फ्लोर), अंसारी रोड 24, बरिया गंज, नई दिल्ली-110002।

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि वर्षों के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को सीमा प्रतियों में आवेदन करें। अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजनी है।

[संख्या 1817/एफ. सं. म. नि. /आ.क. (छूट)/एन.डी.-39/कल.

35(1)(ii)/90-91]

मकेश कुमार, अवर निदेशक आयकर (छूट)

MINISTRY OF FINANCE
(Department of Revenue)
OFFICE OF THE DIRECTOR GENERAL OF
INCOME-TAX (EXEMPTIONS)
Calcutta, the 1st July, 1998
(INCOME-TAX)

S.O. 2152.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan" New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

All India Heart Foundation,
4874, (first floor), Ansari Road,
24, Daryaganj, New Delhi-110002.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

- Note : 1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the

Secretary, Department of Scientific & Industrial Research.

[No. 1817/F. No. DG/IT(E)/ND-39/CAL
35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of
Income-tax (Exemptions)

कलकत्ता, 19 जुलाई 1998

आयकर

का.आ. 2153.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उप धारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 की भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित आवधिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल हार्टीयूट ऑफ एडवॉंस स्ट्राडीज, इंडियन हार्टीयूट ऑफ माइंस कम्पस, बंगलौर-560012

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[नं. : 1818/एफ. सं. म.नि./आ.क. (छूट)/ के. टी -40/35(i)
(ii), 90-91]

मुकेश कुमार, अपर निदेशक, आयकर (छूट)

Calcutta, the 13th July, 1998

(INCOME-TAX)

S.O. 2153.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the

purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax [Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Advanced Studies,
Indian Institute of Science Campus,
Bangalore-560012.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1818/F. No. DG/IT(E)/KT-40/35(i) (ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 13 जुलाई, 1998

आयकर

का.आ. 2154.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन

बिहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखाबहिया रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिक्तियाँ किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिमाव को भी प्रस्तुत करेगा।

संगठन का नाम

इंटरनेशनल एडवांस्ड स्टडीज सेन्ट्रल फ़ोर पाउंडर मेटालर्जी एण्ड न्यू मेटिरियल्स, ओपोजीट वालापुर विलेज, आर. सी.आई. रोड, आर-आर डीस्ट्रीक्ट, हैदराबाद-500005

यह अधिवृत्तता दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1 उपर्युक्त, शर्त (i) "संघ" जैसा संघर्ग के लिए लागू नहीं होगा।

- 2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कानकता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में कि आवेदन पत्र की विभाग को प्रस्तुत करता है। उस आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[स. 1818/एफ.सं. म. नि./आ.क. (छूट)/ए. पी.-18/35(1) (ii)/90-91]

मुकेश कुमार, अपर निदेशक, आयकर (छूट)

Calcutta, the 13th July, 1998

(INCOME-TAX)

S.O. 2154.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology

Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

International Advanced Research Centre for Powder Metallurgy and New Materials,
Opposite Balapur Village,
RCI Road,
RR District,
Hyderabad-500005.

This Notification is effective for the period from 1-4-96 to 31-3-99.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1819/F. No. DG/IT(E)/AP-18/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax

कलकत्ता, 13 जुलाई, 1998

(आयकर)

का.पा. 2155. :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन बिहिन प्राधिकारों द्वारा निम्नलिखित शर्तों पर "संस्थान" के संबंध में अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई किसी कलाप संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल इंस्टीट्यूट ऑफ मेंटल हेल्थ एंड न्यूरो साइंसेस पी. बी. नं. 2900, होसूर रोड, बंगलूर-560029

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

- टिप्पणी 1. उपर्युक्त शर्त (1) "रांच" जैसा सर्वग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निवेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के लिए संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. 1820/एफ. सं. म. नि. आ. क. (छूट), के. टी. - 8, कल. 35(1)(ii), 90-91]

मुकेश कुमार, अपर निदेशक, आयकर

Calcutta, the 13th July, 1998
(INCOME-TAX)

S.O. 2155.—It is hereby notified for general information that the Organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Mental Health and Neuro Sciences,
P.B No., 2900, Hosur Road, Bangalore-560029.

This Notification is effective for the period from 1-4-96 to 31-3-99.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1820/F. No. WGT(T)(E)/KT-8/Cal-35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 14 जुलाई, 1998

(आयकर)

का.भा. 2156.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 3 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू महेरोली रोड, नई दिल्ली-110016 की भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

आई. एन. आई. एस. मेडिकल रिसर्च सोसाइटी आई. एन. आई. एस. कांस्पलेक्स, जिल्दल नगर, तुमकूर रोड, बंगलूर-560073.

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

- टिप्पणी 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि ये अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियों को अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव। वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1821/एफ.नं. म. नि./आ.क. (छूट)/के.टी-12/कल./35(1)(ii)/90-91]

मकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 14th July, 1998

(INCOME-TAX)

S.O. 2156.—It is hereby notified for general information that the organisation mentioned below has been approved by

the prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) or section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will furnish the Annual Return of its scientific tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAML OF THE ORGANISATION

INYS Medical Research Society/INYS Complex, Jindal Nagar, Tumkur Road, Bangalore-560073.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1821/F. No. DG/IT(E)/KT-12/Cal/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 17 जुलाई 1998

(आयकर)

का.भा. 2157.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन न्यू महेरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : के.जे. रिसर्च फाउंडेशन 941, पुनामल्ली हाई रोड,
चेन्नई-600084.

कलकत्ता, 17 जुलाई, 1998

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

(आयकर)

टिप्पणी : 1. उपर्युक्त शर्तें (i) "संघ" जैसा सर्वग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर/आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1822/एफ. स. म. नि./आ. क. (छूट) टी. एन. 2/कल/35(1) (ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)
Calcutta, the 17th July, 1998

(INCOME-TAX)

S.O. 2157.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

K. J. Research Foundation,
941, Poonamalle High Road,
Chennai-600084.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1822/F. No. DG/IT(E)/TN-2/CAL/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

का. आ. 2158.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 को धारा 35 की उपधारा (i) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन ब्रिहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के सर्वग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षण वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिजर्व किया गया संबंधित छूट के बारे में लेखा-परीक्षण आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : ब्लॉक मेन्स एसोसिएशन, डा. विकराम, माराभाई रोड,
बस्तापुर, अहमदाबाद-380015

यह अधिसूचना दिनांक 1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (i) "संघ" जैसा सर्वग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. : 1823/एफ. स. म. नि./आ. क. (छूट)/जी.-62/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 17th July, 1998

(INCOME TAX)

S.O. 2158.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st

October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Blind Men's Association,
Dr. Vikram Sarabhai Road, Vastrapur,
Ahmedabad-380015.

This Notification is effective for the period from 1-4-1998 to 31-3-2000.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1823/F. No. DG/IT(E)/G-62/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax

कलकत्ता, 24 जुलाई, 1998

(आयकर)

का.या. 2159.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग प्रौद्योगिक भवन "न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम: भारतीय विद्या भवन के एम मृन्शीमार्ग
मुम्बई-400007.

यह अधिसूचना दिनांक 1-4-1998 से 31-3-1999 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. : 1824/एफ संमानन/आंक० (छूट)/एम/-42/
कन/35(1)(ii)(90-91)]

मुकेश कुमार, प्रवर निदेशक आयकर (छूट)

Calcutta, the 24th July, 1998

(INCOME-TAX)

S.O 2159.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan" New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Bharatiya Vidya Bhavan,
K. M. Munshi Marg
Mumbai-400007.

This Notification is effective for the period from 1-4-1998 to 31-3-1999.

Note —(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of

approval should be sent directly to the Secretary,
Department of Scientific and Industrial Research.

[No. 1824/F. No. DG/IT(E)/M-42/Cal/35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income Tax
(Exemptions)

कलकत्ता, 24 जुलाई, 1998

(आयकर)

का.आ. 2160.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के लिए 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन "न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम: सेन्ट्रल फॉर वाटर रिसोर्स डेवलपमेंट एण्ड मैनेजमेंट, पी बी नं -2, कुना-मंगलम (एम०बी०आर०) कोजीकोड-673571, केरला।

यह अधिसूचना दिनांक 1-4-1996 से 31-3-1999 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन

पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीमा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. 1825/एफ०सं०म०नि०/आ०क० (छूट) के -2/
कल०/35(1)(ii) 90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 24th July, 1998
(INCOME-TAX)

S.O. 2160.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rule for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Water Resources Development
and Management, P.B. No. 2, Kunnammangalam
(MBR), Kozhikode-673571, Kerala.

This Notification is effective for the period from 1-4-1996 to 31-3-1999.

Note—(1) Condition (i) above will not apply to organisation categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1825/F. No. DG/IT(E)/K-2/Cal/35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax
(Exemptions)

कलकत्ता, 24 जुलाई, 1998

(आयकर)

का०आ० 2161.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : महेंद्रा आई रिसर्च सेंटर, खैराबाद आई हॉस्पिटल कम्पास, स्वरूप नगर, कानपुर-208002.

यह अधिसूचना दिनांक 1-4-95 से 31-3-97 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. 1826/एफ.सं.म.नि./आ.क. (छूट)/यू.पी.-25/35(i)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 24th July, 1998
(INCOME TAX)

S.O. 2161.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology

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Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Mahendra Eye Research Centre,

Khairabad Eye Hospital Campus,
Swaroop Nagar,
Kanpur-208002.

This Notification is effective for the period from 1-4-95 to 31-3-97.

Note —(1) Condition (i) above will not apply to organisation categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1826/F. No DG/IT(E)/UP-25/35(1)(ii)/90-91]
MUKESH KUMAR, Addl Director of Income-tax (Exemptions)

कलकत्ता, 24 जुलाई, 1998

(आयकर)

का. आ. 2162.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा—परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी

गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

महेन्द्रा आई रिसर्च सेन्टर, खैराबाद आई हास्पिटल कम्पास, स्वारूप नगर, कानपुर—208002.

यह अधिसूचना दिनांक 1-4-97 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. : 1827/एफ. सं. म. नि./आ. क. (छूट)/
यू. पी.-25/35(i)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 24th July, 1998

(INCOME-TAX)

S.O. 2162.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Mahendra Eye Research Centre,
Khairabad Eye Hospital Campus,
Swaroon Nagar,
Kanpur-208002.

This Notification is effective for the period from 1-4-97 to 31-3-99

Note—(1) Condition (1) above will not apply to organisation categorised as associations.

- (2). The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1827/F. No. DG/IT(E)/UP-25/35(i)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 28 जुलाई, 1998

(आयकर)

का. आ. 2163.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन रिसर्च इंस्टीट्यूट फोर एंटीग्रेटेड मेडिसिन (आई.आर.आई.आई.एम.), मीरीग्राम स्टेशन पड़ा, पी. ओ. अनसानी (अब्दुल-मौरी), डीस्ट-हाबड़ा-711302.

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर

आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1828/एफ. सं. म. नि. आ. क. (छूट)
डब्ल्यू. बी.-56/कल/35/1 (ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर

Calcutta, the 28th July, 1998

(INCOME TAX)

S.O. 2163.—In is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Research Institute for Integrated Medicine (IRIIM), Mourigram Station Para, P.O. Unsani (Abdul-Mouri), Dist. Howrah-711302.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Note—(1) Condition (i) above will not apply to organisation categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1828/F. No. DG/IT(E)/WB-56/Cal/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax

कलकत्ता, 30 जुलाई, 1998

(आयकर)

का. आ. 2164.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधि-

नियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम के 6 अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :-

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

डा. रमाजीनी रिसर्च इंस्टीट्यूट आफ एकुपेशनल हेल्थ सर्विसेस, 577, शुक्रवार पीठ, सुभाष नगर, पूना-411002.

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सूभाष दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1829/एफ. सं. म. नि. आ. क. (छूट)/
एम.-32/35(1) (ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर

Calcutta, the 30th July, 1998

(INCOME TAX)

S.O. 2164.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Dr. Ramazini Research Institute of Occupational Health Services,
577, Shukrawar Poth, Subhashnagar,
Pune-411002.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1836/F. No. DG/IT(E)/M-187/2336/35(1)(iii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax

कलकत्ता, 30 जुलाई, 1998

(आयकर)

का० आ० 2165.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम सू. नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के के अधीन अनुमोदित किया गया है —

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ! ।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

शुश्रूत मेडिकल केर एण्ड रिसर्च सोसाइटी, 1160/61
शिवाजी नगर, पूना—411005.

यह अधिसूचना दिनांक 23-3-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

- 2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को मतीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है । उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है ।

[संख्या : 1831/एफ. सठ. म. नि./आ. क. (छूट)/
एम. 209/कल./35 (1) (ii) /90-91]

मुकेश कुमार, अपर निदेशक आयकर

Calcutta, the 30th July, 1998

(INCOME TAX)

S.O. 2165.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research

activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sushrut Medical Care & Research Society,
1160/61, Shivaji Nagar,
Pune-411005.

This Notification is effective for the period from 23-3-98 to 31-3-2000.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1831/ F. No. DG/ITE(E)/M-209/CAL 35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax

कलकत्ता, 30 जुलाई, 1998

(आयकर)

का. भा. 2166.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

वल्लभ दास डगरा इंडियन सोसाइटी फोर मेंटली रिटार्डेड [यूनिट : सेंटर फोर रिसर्च इन मेंटल रिटार्डेशन

सी.आर.ई.एम.ई. आर.ई.) खुशालदास डगरा हास, नीयर रुई हाल, (इल्हू), मुम्बई—400064.

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

- 2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छ: की प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

भेजना है।

[संख्या : 1830/एफ. सं. म. नि./आ. क. (छूट)/एम.—21/कल. /35(1) (ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर

Calcutta, the 30th July, 1998

(INCOME-TAX)

S.O. 2166.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961

NAME OF THE ORGANISATION

Valabhdas Dagara Indian Society For Mentally Retarded
[Unit : Centre for Research in Mental Retardation (CREMERE)]
Khushaladas Dagara House,
Near Ruia Hall, Malad (W),
Mumbai-400064.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1830 F. No. DG/IT(E)/M-21/CAL 35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 31 जुलाई, 1998

(आयकर)

का.आ. 2167 ---सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है :

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : रिजनल कैंसर केन्द्र, पी.ओ. बॉक्स नं. 2517, मेडिकल कॉलेज कैम्पस, तिरुवनन्थापुरम-695011

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1. उपयुक्त शर्त (1) 'संव' जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए

आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1832/एफ.सं. म.नि. 'आ.क. (छूट)/के.-1/

35(1)(ii) 90-91]

मुकेश कुमार, अवर निदेशक आयकर (छूट)

Calcutta, the 31st July, 1998

(INCOME-TAX)

S.O.2167—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Regional Cancer Centre,
P.O. Box No. 2417,
Medical College Campus,
Thiruvananthapuram-695011.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1832 F. No. DG/IT(E)/K-1/35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 4 अगस्त, 1998

(आयकर)

का.आ. 2168 ---सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन

विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिक भवन', न्यू मोहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा—परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) चिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसचें किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : लोकमान्य तिलक हास्पिटल सिल्वर जुबली रिसर्च फाउण्डेशन, एल.टी.एम.एम. कॉलेज, बिल्डिंग, ग्राउण्ड फ्लोर, सियोन, मुम्बई-400022

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) 'संघ' जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1833/एफ. सं. म. नि. आ. क. (छूट) एम.-104/कल. 35(1)(ii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 4th August, 1998

(INCOME-TAX)

S.O. 2168.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Lokmanya Tilak Hospital Silver Jubilee Research Foundation,

L.T.M.M. College Building, Ground Floor, Sion, Mumbai-400022.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1833 F. No. DG/IT(E)/M-104/CAL 35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 4 अगस्त, 1998

(आयकर)

का.आ. 2169.—सर्वसाधारण को एतद् द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव,

वैज्ञानिक व औद्योगिक अनुसंधान विभाग,
प्रौद्योगिक भवन" न्यू महरोली रोड, नई
दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : सोसायटी फोर कैपिटल मार्केट रिसर्च एण्ड डवलपमेंट, 74, वैशाली, पीतमपुरा, नई दिल्ली-110034

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) 'संघ' जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जा रहा है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजेगा है।

[सं. 1834/एफ.सं.म.नि./आ.क. (छूट)/एन.डी.-142/35/(1)(iii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 4th August, 1998

(INCOME-TAX)

S.O. 2169.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION
Society for Capital Market Research & Development,
74, Vaishali, Pitampura,
New Delhi-110034.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1834 F. No. DG/IT(E)/ND-142/35(1)(iii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 4 अगस्त, 1998
(आयकर)

का.आ. 2170.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।

- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिक भवन' न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा ; और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : बी इंस्टीट्यूट ऑफ इंडियन फौन्ड्रीमैन,
4/2, मिडल्टन स्ट्रीट, (फर्स्ट फ्लोर),
मिडल्टन कोर्ट, कलकत्ता-700071

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) 'संघ' जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. : 1835/एफ. सं.म.नि./आ.क.(छूट)/इब्ल्यू बी-9/
कल. /35(1)(ii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर(छूट)

Calcutta, the 4th August, 1998
(INCOME-TAX)

S.O. 2170.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAMES OF THE ORGANISATION

The Institute of Indian Foundrymen,
4/2, Middleton Street (1st Floor),
Middleton Court, Calcutta-700071.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Note:

- Condition (i) above will not apply to organisations categorised as associations.
- The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions),

2793 GI/98—4.

Calcutta through the Commissioner of Income-tax/ Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1835/F. No. DG/IT(E)/WB-9/CAL/35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 12 अगस्त, 1998
(आयकर)

का.आ. 2171.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है:—

- संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : संवाद फाउण्डेशन, 58/बी, कृष्णा निवास
वाल्केस्वर रोड, मुम्बई-400006

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) 'संघ' जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में

किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजनी है।

[सं. 1836/एफ.सं.म.नि./प्रा.क (छूट)/एम-187/2336/35(1)(iii) 90-91]

मुकेश कुमार, अपर निदेशक, आयकर (छूट)

Calcutta, the 12th August, 1998

(INCOME TAX)

S.O. 2171.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Samvaad Foundation,
58 'B, Krishna Niwas,
Walkeshwar Road,
Mumbai-400006.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Note:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/ Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1836/F. No. DG/IT(E)/M-187/2336/35(1)(iii)/90 91]
MUKESH KUMAR, Addl. Director of Income-tax
(Exemptions)

कलकत्ता, 18 अगस्त, 1998

(आयकर)

का.आ. 2172—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के

खंड II के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघ के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट); (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : सोसायटी फोर डेवलपमेंट अल्टरनेटिव्स,
बी-32, तारा प्रीसेड, कुतुब इंस्टीट्यूशनल
एरिया, नई दिल्ली-110016

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) 'संघ' जैसा संघ के लिए लागू नहीं होगा।

2. संगठन को सूझा दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजनी है।

[सं. 1837/एफ.सं.म.नि.आ.क (छूट) एनडी-19 कल 35(1)(ii) 90-91]

मुकेश कुमार, अपर निदेशक, आयकर (छूट)

Calcutta, the 18th August, 1998

(INCOME TAX)

S.O. 2172.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities :
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Society for Development Alternatives, B-32, Tara Crescent, Qutab Institutional Area, New Delhi-110016.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1837 F. No. DG/IT(E)/ND-19/CAL 35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 18 अगस्त, 1998

(आयकर)

का. मा. 2173.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान

विभाग, प्रौद्योगिक भवन न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा; और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : इंडियन एसोसिएशन फोर दी कल्टीवेशन ऑफ साइन्स, यादवपुर, कलकत्ता-700032

यह अधिसूचना दिनांक 1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र को छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं. 1838/एफ.सं.म.नि./आ.क.(छूट)/इ.सू.बी-30/35/(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th August, 1998

(INCOME-TAX)

S.O. 2173.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities :
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Association for the Cultivation of Science, Jadavpur, Calcutta-700032.

This Notification is effective for the period from 1-4-98 to 31-3-2000.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1838 F No. DG/IT(E)/WB-30/35(1)(ii)/90-91]
MUKESH KUMAR, Addl Director of Income Tax (Exemptions)

कलकत्ता, 26 अगस्त, 1998

(आयकर)

का०आ० 2174:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संव" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : बोस इंस्टीट्यूट, 93/1, ए०पी०सी० रोड, कलकत्ता-700009.

यह अधिसूचना दिनांक 1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं० 1839/एफ० सं०म०नि०/आ०क. (छूट)/डब्ल्यू०

बी०-41/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर छूट

Calcutta, the 26th August, 1998

(INCOME-TAX)

S.O. 2174.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities :
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Bose Institute, 93/1, A.P.C. Road, Calcutta-700009.

This Notification is effective for the period from 1-4-98 to 31-3-2000.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies

of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1839/F. No. DG/IT(E)/WB-41/35(1)(ii)/90-91]
MUKESH KUMAR, Addl. Director of Income Tax

कलकत्ता, 26 अगस्त, 1998
(आयकर)

का०आ० 2175:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई क्रिया-कलाप संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम :

इंडियन इंस्टीट्यूट ऑफ मैनेजमेन्ट, बैंगलूर
बनरघटा रोड, बैंगलूर-560076.

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी: (i) उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

- (ii) संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए

सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या: 1840/एफ० सं०म०नि०/आ०क० (छूट)/के०टी०-39/
35(1)(iii)/90-91]

मुकेश कुमार, अपर निदेशक, आयकर

Calcutta, the 26th August, 1998

(INCOME-TAX)

S.O. 2175.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books or accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section(1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Institute of Management,
Bangalore, Bannerghatta Road,
Bangalore-560076.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further

S.O. 2177.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years, from the date of publication of this notification in the Official Gazette, M/s. J. B. Boda Surveyers Ltd., Veekay Towers, 1st Floor, Kulur Ferry Road, Kulur, Mangalore-575013 as an agency for Inspection of Minerals and Ores Group-I namely Iron Ore,

Manganese Ore excluding Manganese di-oxide, specified in the schedule annexed to Government of India, Ministry of Commerce Notification No. S.O. 3975, dated 20-12-1965, prior to export subject to the following conditions, namely :—

- (i) that M/s. J. B. Boda Surveyers Ltd., Mangalore shall give adequate facilities to the Officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965.
- (ii) that M/s. J. B. Boda Surveyers Ltd., Mangalore in the performance of their function under this Notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/6/98-EI&EP]
PRABH DAS, Director

नई दिल्ली, 21 अक्टूबर, 1998

का. आ. 2178.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इटालैब प्राइवेट लिमिटेड, साक्षी नगर, कम्पानन रोड, बैल्लारी-583103, कर्नाटक को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए खनिज तथा अयस्क ग्रुप-I अर्थात् कच्चे लोह, मैंगनीज डायक्साइड रहित मैंगनीज अयस्क और कैल्सीड बोक्साइट सहित बोक्साइट को भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3975 तारीख 20-12-1965 की संलग्न अनुसूची में वर्णित निर्यात से पूर्व निरीक्षण करने के लिए निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स इटालैब प्राइवेट लिमिटेड, बैल्लारी निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी ताकि खनिज तथा अयस्क ग्रुप-I (निरीक्षण) का प्रामाण्य पत्र नियम, 1965 के नियम 4 के अन्तर्गत जारी किया जा सके।
- (ii) मैसर्स इटालैब प्राइवेट लिमिटेड, बैल्लारी इस अधिसूचना के अंतर्गत अपने कृत्यों के पालन में ऐसे निर्वेशों द्वारा आबद्ध होगी जो निदेशक

(निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5/7/98-ई.आई. एण्ड ई.पी.]
प्रभ दाम, निदेशक

New Delhi, the 21st October, 1998

S.O. 2178.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years, from the date of publication of the Notification in the Official Gazette, M/s. Italab Private Ltd., 49, Beechi Nagar Kappagal Road, Bellary-583103, Karnataka as an agency for inspection of Minerals and Ores Group-I namely Iron Ore, Manganese Ore excluding Manganese Di-oxide and Bauxite including Calcined Bauxite, specified in the schedule annexed to Government of India, Ministry of Commerce Notification No. S.O. 3975, dated 20-12-65 prior to export subject to the following conditions, namely :—

- (i) that M/s. Italab Pvt. Ltd., Bellary shall give adequate facilities to the Officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965.
- (ii) that M/s. Italab Private Ltd., Bellary in the performance of their function under this Notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/7/98-EI&FP]
PRABH DAS, Director

नई दिल्ली, 21 अक्टूबर, 1998

का. आ. 2179.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुपरिटेण्डेंस कंपनी इंडिया (प्राइवेट) लिमिटेड, 186/2, फर्स्ट फ्लोर, एस. सी. रोड, शेषाद्रीपुरम, बैंगलूर-560020 को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3975 तारीख 20-12-1965 की संलग्न अनुसूची में वर्णित खनिज तथा अयस्क ग्रुप-I अर्थात् कच्चे लोहे के निर्यात से पूर्व निरीक्षण के लिए निम्नलिखित

शर्तों के अधीन रहते हुए, एक अभिकरण के रूप में मान्यता प्रदान करती है अर्थात् :—

- (i) मैसर्स सुपरिटेण्डेंस कम्पनी इंडिया (प्राइवेट) लिमिटेड बैंगलूर निर्या निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी ताकि खनिज तथा अयस्क ग्रुप-I का (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत किया जा सके।
- (ii) मैसर्स सुपरिटेण्डेंस कम्पनी इंडिया (प्राइवेट) लिमिटेड, बैंगलूर इस अधिसूचना के पालन में अपने कृत्यों का अनुपालन ऐसे निदेशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।
[फा. सं. 5/8/98-ई.आई. एंड ई.पी.]

प्रभ दास, निदेशक

New Delhi, the 21st October, 1998

S.O. 2179.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years, from the date of publication of this Notification in the Official Gazette, M/s. Superintendence Company of India (Private) Limited, 186/2, 1st Floor, S.C. Road, Seshadripuram, Bangalore-560020 as an agency for inspection of Minerals and Ores, Group-I namely Iron Ore only, specified in the schedule annexed to Government of India, Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965, prior to export subject to the following conditions, namely—

- (i) that M/s. Superintendence Company of India (Private) Limited, Bangalore shall give adequate facilities to the Officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965.
- (ii) that M/s. Superintendence Company of India (Private) Limited, Bangalore in the performance of their function under this Notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/8/98-EI&EP]

PRABH DAS, Director

नई दिल्ली, 23 अक्टूबर 1998

का.आ. 2180.—केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का

22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ज्यो कैम लेबोरेट्रीज (प्रा) लि. ज्यो कैम हाऊस प्लॉट नं. 35 जयानगर, बैल्लारी-583104 को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20-12-65 की अनुसूची में वर्णित खनिज तथा अयस्क ग्रुप-I अर्थात् केवल कच्चा लोहे का निर्यात से पूर्व निरीक्षण करने के लिए निम्न शर्तों के अधीन रहते हुए एक अभिकरण के रूप में मान्यता देती है अर्थात् :—

- (i) मैसर्स ज्यो कैम लेबोरेट्रीज (प्रा) लि. बैल्लारी निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी जिससे कि खनिज तथा अयस्क ग्रुप-I (निरीक्षण) नियम 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र जारी किया जा सके।
- (ii) मैसर्स ज्यो कैम लेबोरेट्रीज (प्रा) लि. बैल्लारी इस अधिसूचना के अंतर्गत अपने कृत्यों के पालन में ऐसे निदेशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5/9/98-ई आई एंड ई पी]

प्रभ दास, निदेशक

New Delhi, the 23rd October, 1998

S.O. 2180.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years, from the date of publication of this Notification in the Official Gazette, M/s. Geo-Chem Laboratories (P) Ltd., Geo-Chem House, Plot No. 35, Jayanagar, Bellary-583104 as an agency for inspection of Minerals and Ores, Group-I namely Iron Ore only, specified in the schedule annexed to Government of India, Ministry of Commerce notification No. S. O. 3975, dated 20-12-1965, prior to export subject to the following conditions, namely :—

- (i) M/s. Geo-Chem Laboratories (P) Ltd., Bellary shall give adequate facilities to the Officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965.
- (ii) that M/s. Geo-Chem Laboratories (P) Ltd., Bellary in the performance of their function under this Notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/9/98-EI&EP]

PRABH DAS, Director

नई दिल्ली, 23 अक्टूबर, 1998

का०आ० 2181:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसन एंड कंपनी, 39, हाउसिंग बोर्ड कालोनी, गांधी नगर, बैल्लारी, कर्नाटक को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए खनिज तथा अयस्क ग्रुप-I अर्थात् कच्चे अयस्क और मैंगनीज डायक्साइड रहित मैंगनीज अयस्क को भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 3975 तारीख 20-12-1965 की संलग्न अनुसूची में वर्णित को निर्यात से पूर्व निरीक्षण करने के लिए निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स एसन एंड कंपनी, बैल्लारी, निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण प्रणाली की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी ताकि खनिज तथा अयस्क ग्रुप-I के (निरीक्षण) का प्रमाण पत्र नियम, 1965 के नियम 4 के अन्तर्गत जारी किया जा सके।
- (ii) मैसर्स एसन एंड कंपनी, बैल्लारी इस अधिसूचना के अन्तर्गत अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फा० सं० 5/10/98-ई०आई०एंड ईपी]
प्रभ दाम, निदेशक

New Delhi, the 23rd October, 1998

S.O. 2181.—In exercise of the powers conferred by Sub-Section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years, from the date of publication of this notification in the Official Gazette, M/s. Essen and Company, 39, Housing Board Colony, Ghandhi Nagar, Bellary, Karnataka. as an agency for inspection of Minerals and Ores Group-I namely Iron Ore and Manganese Ore excluding Manganese Di-oxide, specified in the schedule annexed to Government of India, Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965, prior to export subject to the following conditions, namely :—

- (i) that M/s. Essen and Company, Bellary shall give adequate facilities to the officers

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nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965;

- (ii) that M/s. Essen and Company, Bellary in the performance of their function under this notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/10/98-EI & EP]

PRABH DAS, Director

कोयला मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 27 अक्टूबर, 1998

का०आ० 2182:—भारत के राजपत्र, तारीख 4 अप्रैल, 1998 के भाग-2, खंड-3, उपखण्ड (ii) में पृष्ठ संख्या 1271 से 1273 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का०आ० सं० 677 तारीख 19 मार्च, 1998 में :—

पृष्ठ क्रमांक 1271, अधिसूचना में,
पंक्ति 5, “माप 697.2.30 एकड़” के स्थान पर

“माप 6972.30 एकड़” पढ़ें।

पृष्ठ क्रमांक 1272, तालिका में, ग्राम स्तंभ के नीचे,
क्रम संख्या 3, “पुटीपसना” के स्थान पर
“पुटीपखना” पढ़ें।

अजित की गई वन कम्पाटमेंट सं० में,

“190 (भाग), 102(भाग) के स्थान पर
“190 (भाग), 192(भाग)” पढ़ें।

ग्राम त्रिजाङ्गण्ड (संपूर्ण) में अजित किए गए
प्लॉट सं० में,

पंक्ति 3, “52/1, 42 से 51” के स्थान पर
“52/1, 41/2, 52/2, 42 से 51” पढ़ें।

पंक्ति 3, “58/1, 59 से 61” के स्थान पर
“58/1, 58/2, 59 से 61” पढ़ें।

[सं० 43013/2/95-एल०एस०डब्ल्यू०/पी०आर०आई०डब्ल्यू०]

के० एम० क्रोफा, निदेशक

MINISTRY OF COAL

CORRIGENDA

New Delhi, the 27th October, 1998

S.O. 2182.—In the notification of the Government of India in the Ministry of Coal, number S.O. 677, dated the 19th March, 1998, published at pages 1273 to 1275 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th April, 1998, at page 1275, under the heading "Plot numbers" acquired in village Tanera (Part),—

- (a) in line 1, for "199|8, 199|9, 1" read "199|8, 199|9";
 (b) in line 5, or "262, 263" read "262, 263|1";
 (c) in line 6, for "354 (Part), 356, 356" read "354 (Part), 355, 356";
 (d) in the 7, for "488|1 (Pd), 488|1 (Part, 488|5 (Part)" read "488|1 (Part), 488(5 (Part)".

[No. 43015|2|95-LSW|PRIW]
 K. S. KROPHA, Director

नई दिल्ली, 27 अक्टूबर, 1998

का. आ. 2183.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (i) के अधीन जारी की गई, भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 825 तारीख 13 मार्च, 1997, जो कि भारत के राजपत्र के भाग—2, खण्ड—3, उपखण्ड (ii) में तारीख 29 मार्च, 1997 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना में संलग्न अनुसूची में विमिश्रित परिक्षेत्र की भूमि में, जिसकी माप 600.00 एकड़ (लगभग) या 242.82 हेक्टेयर (लगभग) है के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उपरोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 600.00 एकड़ (लगभग) या 242.82 हेक्टेयर (लगभग) माप वाली भूमि अर्जित की जानी चाहिए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 600.00 एकड़ (लगभग) या 242.82 हेक्टेयर (लगभग) माप वाली भूमि अर्जित की जाती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या आरईवी/38/97, तारीख 13 नवंबर, 1997 वाले रेखांक का निरीक्षण कलकटर, सीधी (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या नॉर्दन कोलफील्ड्स लिमिटेड (राजस्व विभाग), सिंगरोली (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

अनुसूची

जयंत खण्ड विस्तार (उपखण्ड)
 नॉर्दन कोल फील्ड्स लिमिटेड, सिंगरोली
 जिला सीधी (मध्य प्रदेश)

सर्वाधिकार :—रेखांक संख्या राजस्व/38/97, दिनांक 13-11-97

(अर्जित भूमि दर्शाते हुए)

क्र. सं.	ग्राम	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणी
1.	मैघोली	सिंगरोली	सीधी (मध्य प्रदेश)	600.00 एकड़	भाग
				600.00 एकड़ (लगभग)	
				या	
				242.82 हेक्टेयर (लगभग)	

ग्राम मैथोली में अजित भूखण्ड संख्यांक :—132 (पी), 133 (पी), 134 (पी), 147 (पी), 148 (पी), 149, (पी), 152 (पी), 154 (पी), 155/1 (पी), 155/7 (पी), 156 (पी), 157, 157/2, 157/3, 158 (पी), 159 (पी) 161 (पी), 164 (पी), 167 (पी), 171 (पी), 172, 173 (पी), 174 से 205, 206 (पी), 207 से 211, 212 (पी) 215 (पी), 218 (पी), 219 (पी), 220 (पी), 221, 222 (पी), 223 (पी), 234 (पी), 235 (पी), 236/1- (पी), 236/2, 237, 238, 239 (पी), 240 (पी), 241 (पी), 242 (पी), 243, 244, 245, 246, 247 (पी) 255 (पी), 258 (पी), 259 (पी), 260 से 276, 277 (पी), 302 (पी), 304/598 (पी), 304/630 (पी), 305 306, 306/623, 307, 308, 309 (पी), 311 (पी), 313 (पी), 314, 315, 316 (पी), 620/315 (पी), 408 (पी), 409 (पी), 409/1, 410 (पी), 411 (पी), 416/2 (पी), 416/3 (पी), 417 (पी), 418 (पी) 429 (पी), 430 (पी), 431, 432 (पी), 433 से 445, 445/604 (पी), 446 (पी), 467 (पी), 469 (पी), 470 (पी), 471, 472 (पी), 473, 474 (पी), 475, 476, 477, 478 (पी), 479, 480, 481, 481/624, 482 (पी), 486 (पी), 486/625, 487 (पी), 488 (पी), 606, 617 (पी), 154/609, 154/609 (पी), 154/609 (जी एच), 159/610 (पी), 164/613, 171/596, 188/611, 197/612, 206/ 597 208/616/2 (पी), 208/615 (पी), 435/682, 483 (पी)।

सीमा वर्णन

- क—ख रेखा बिंदु “क” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 134, 133 और 132 से होकर बिंदु “ख” पर मिलती है।
- ख—ग रेखा बिंदु “ख” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 132, 149, 152, 154, 155/1, 156, 155/7, 158, 206, 159, 161, 159/610, 164, 167, 173, 171, 311, 309, 313, 316, 620/315, 429 से होकर बिंदु “ग” पर मिलती है।
- ग—घ रेखा बिंदु “ग” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 429, 430, 432 418, 474, 417, 416/2, 416/3, 409, 410, और 411 से होते हुए बिंदु “घ” पर मिलती है।
- घ—ङ रेखा बिंदु “घ” से प्रारम्भ होकर ग्राम मैथोली की दक्षिणी सीमा से भूखण्ड संख्या 411 और 410 से होते हुए बिंदु “ङ” पर मिलती है।
- ङ—च रेखा बिंदु “ङ” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 407 और 408 और भूखण्ड संख्या 407/2 और 408 की सम्मिलित सीमा से होते हुए बिंदु “च” पर मिलती है।
- च—छ रेखा बिंदु “च” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 408, 488, 487, 486, 483, 482, 467, 470, 472, फिर 470, 469, 445/604 से होते हुए बिंदु “छ” पर मिलती है।
- छ—ज रेखा बिंदु “छ” से प्रारम्भ होकर ग्राम मैथोली के भूखण्ड संख्या 445/604, 446, 304/ 598, 304/630, 302, 277, 258, 259, 255, 247, 242, 241, 240, 239, 234, 236/1, 235, 223, 617, 222, 220, 219, 218, 212, 208/ 616/2, 208/616, 215, 148, 147, और 134 से होते हुए प्रारम्भिक बिंदु “क” पर मिलती है।

[सं. 43015/8/95—एल. एस. डब्ल्यू./पी. आर. आई. डब्ल्यू.]

के. एस. कोफा, निदेशक

New Delhi, the 27th October, 1998

S.O. 2183.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 825, dated the 13th March, 1997, issued under Sub-section (1) of section 7 of the Coal Bearing Areas, (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 29th March, 1997, the Central Government gave notice of its intention to acquire the lands measuring 600.00 acres. (approximately) or 242.82 hectares (approximately) in the locality specified in the Schedule appended to that notification;

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas, the Central Government, after considering the aforesaid report and after consulting the Government of Madhya Pradesh, is satisfied that the lands measuring 600.00 acres (approximately, or 242.82 hectares) (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 600.00 acres (approximately) or 242.82 hectares (approximately) described in the said Schedule appended hereto are hereby acquired.

The Plan No. REV/38/97, dated the 13th November, 1997 of the area covered by this notification may be inspected in the office of the Collector, Sidhi (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Northern Coalfields Limited (Revenue Section), Singrauli (Madhya Pradesh).

SCHEDULE

JAYANT BLOCK EXTENSION (SUB-BLOCK V) NORTHERN COALFIELDS LIMITED, SINGRAULI DISTRICT, SIDHI (MADHYA PRADESH)

ALL RIGHTS

Drawing No. Rev/38/97, dt. 13-11-97
(Showing lands acquired)

Serial number	Village	Tahsil	District	Area in acres	Remarks
1.	Medhauli	Singrauli	Sidhi (M.P.)	600.00 acres	Part
				600.00 acres (approximately) or 242.82 hectares (approximately)	

Plot numbers acquired in village Medhauli.

132(p), 133(p), 134(p), 147(p), 148(p), 149(p), 152(p), 154(p), 155/1(p), 155/7(p), 156(p), 157, 157/2, 157/3, 158(p), 159(p), 161(p), 164(p), 167(p), 171(p), 172, 173(p), 174 to 205, 206(p), 207 to 211, 212(p), 215(p), 218(p), 219(p), 220(p), 221, 222(p), 223(p), 234(p), 235(p), 236/1(p), 236/2, 237, 238, 239(p), 240(p), 241(p), 242(p), 243, 244, 245, 246, 247(p), 255(p), 258(p), 259(p), 260 to 276, 277(p), 302(p), 304/598(p), 304/630(p), 305, 306, 306/633, 307, 308, 309(p), 311(p), 313(p), 314, 315, 316(p), 620/315(p), 408(p), 409(p), 409/1, 410(p), 411(p), 416/2(p), 416/3(p), 417(p), 418(p), 429(p), 430(p), 431, 432(p), 433 to 445, 445/604(p), 446(p), 467(p), 469(p), 470(p), 471, 472(p), 473, 474(p), 475, 476, 477, 478(p), 479, 480, 481, 481/624, 482(p), 486(p), 486/625, 487(p), 488(p), 606, 617(p), 154/609, 154/609Ga, 154/609Gh, 159/610(p), 164/613, 171/596, 188/611, 197/612, 206/597, 208/616/2(p), 208/616(p), 435/632, 483(p).

BOUNDARY DESCRIPTION

- A—B Line starts from point 'A' and passes through plot numbers 134, 133 and 132 of village Medhauli and meets at point 'B'.
- B—C Line starts from point 'B' and passes through plot numbers 132, 149, 152, 154, 155/1, 156, 155/7, 158, 206, 159, 161, 159/610, 164, 167, 173, 171, 311, 309, 313, 316, 620/315, 429, of village Medhauli and meets at point 'C'.
- C—D Line starts from point 'C' and passes through plot numbers 429, 430, 432, 418, 474, 417, 416/2, 416/3, 409, 410 and 411 of village Medhauli and meets at 'D'.
- D—E Line starts from point 'D' and passes through Southern boundary of plot numbers 411 and 410 of village Medhauli and meets at point 'E'.

- E—F Line starts from point 'E' and passes through common boundary of plot number 407 and 408 and common boundary of 407/2 and 408 of village Medhauri and meets at point 'F'.
- F—G Line starts from point 'F' and passes through plot numbers 408, 488, 487, 486, 483, 482, 467, 470, 472 again 470, 469, 446, 445/604 of village Medhauri and meets at point 'G'.
- G—A Line starts from point 'G' and passes through plot numbers 445/604, 446, 304/598, 304/630, 302, 277, 258, 259, 255, 247, 242, 241, 240, 239, 234, 236/1, 235, 223, 617, 222, 220, 219, 218, 212, 208/616/2, 208/616, 215, 148, 147 and 134 of village Medhauri and meets at strating point at 'A'.

[No. 43015/8/95-LSW/PRIW]

K.S. KROPHA, Director

नई दिल्ली, 27 अक्तूबर, 1998

का. आ. 2184 :—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 1886 तारीख 16 जुलाई, 1997 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 2 अगस्त, 1997 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग) है, खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाने चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों को अर्जित किए जाते हैं।

इस अधिसूचना के अधीन अपने आने वाले क्षेत्र के रेखांक सं. एस ई सी एल बी एस पी एम जी (पी एल जी) भूमि/199 तारीख 17 फरवरी, 1998 वाले रेखांक निरीक्षक क्लेक्टर, बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में, या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व विभाग) सीपत रोड, बिलासपुर, 4950006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

अनुसूची

बेलवाडीह पहला विस्तार ब्लॉक

कोयला कोलफील्ड्स

जिला बिलासपुर (मध्य प्रदेश)

खनन अधिकार

ब्लॉक--ए

क्रम सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	अभयपुर	41	बटधोरा	बिलासपुर	14.569	भाग
2.	बबबब	42	बटधोरा	बिलासपुर	16.997	भाग
3.	अरवा	48	बटधोरा	बिलासपुर	198.992	भाग
4.	हरभिता	48	बटधोरा	बिलासपुर	17.677	भाग
5.	भेजीनारा	48	बटधोरा	बिलासपुर	133.966	भाग
6.	सिधाली	41	बटधोरा	बिलासपुर	18.595	भाग

कुल 400.796 हेक्टर (लगभग)

1. ग्राम अभयपुर (भाग) में अर्जित प्लॉट सं. :—34 (भाग)

2. ग्राम बबबब (भाग) में अर्जित प्लॉट सं. :—395 (भाग)

3. ग्राम अरदा (भाग) में अर्जित प्लॉट सं. :—39, 40, 41 (भाग), 42 (भाग), 83 (भाग), 84, 85, (6 (भाग), 87 (भाग), 161 (भाग), 163 (भाग), 166 (भाग), 167 (भाग), 169 (भाग), 170 से 173, 174 (भाग), 175-177, 178 (भाग), 179 (भाग), 180 (भाग), 182-185, 196/1, 196/2, 197 से 203, 204 (भाग), 205 से 214, 215 (भाग), 216 (भाग), 217 (भाग), 224 (भाग), 240 (भाग), 243 (भाग), 244, 284, 285 (भाग), 286, 287/1, 287/2, 288, 289, 290 (भाग), 291 (भाग), 295 (भाग), 296 (भाग), 297 (भाग), 299 (भाग), 320 (भाग), 324 (भाग), 325 से 344, 345 (भाग), 346, 347, 348 (भाग), 349 (भाग), 350 (भाग), 351, 352, 353 (भाग), 354 से 367 से 368 (भाग), 369, 370, 371 (भाग), 372 (भाग), 373 (भाग), 374 (भाग), 376 (भाग), 377 (भाग), 378 (भाग), 379 (भाग), 383 (भाग), 384 (भाग), 547 (भाग), 551 (भाग), 552 (भाग), 560 (भाग), 920 (भाग)

4. ग्राम हरभाठा (भाग) में अर्जित प्लॉट सं. :—2 (भाग), 3 (भाग), 4 (भाग), 10 (भाग), 11 (भाग), 12 (भाग), 13, 14, 24 (भाग), 164 (भाग), 199 (भाग), 203 (भाग), 204 (भाग), 205, 206, 207 (भाग), 208 (भाग), 209 से 236, 237 (भाग), 238 (भाग), 239 से 245, 246 (भाग), 247 (भाग), 248 (भाग), 250, 251 (भाग), 255 (भाग)

5. ग्राम भेजीनारा (भाग) में अर्जित प्लॉट सं. :—1/1 (भाग), 2, 3, 4 (भाग), 5, 6, 7 (भाग), 9 (भाग), 10, 11 (भाग), 24 (भाग), 54 (भाग), 57,

6. ग्राम मिथाली (भाग) में अर्जित प्लॉट सं. :—91/1 (भाग), 94, 95 (भाग), 96, 97 (भाग) ।

सीमा वर्णन

क-क 1-क 2

रेखा ग्राम डबडब अभयपुर भेजीनारा के तिराहा पर बिन्दु 'क' से आरम्भ होती है और प्लॉट सं. 395 से होते हुए ग्राम डबडब से होकर जाती है तब प्लॉट सं. 217 की उत्तरी सीमा के साथ भागतः अरदा ग्राम में प्रवेश करती है तब प्लॉट सं. 41, 42, 217, 93, 97, 96, 161, 163, 169, 167, 166, 174, 178, 179, 180, 560 से होते हुए बिन्दु 'क 2' पर मिलती है।

क 2-ख

रेखा प्लॉट सं. 186 की पूर्वी सीमा के साथ भागतः ग्राम अरदा से होकर जाती है तब प्लॉट सं. 552, 551, 547, 345, 348, 349, 353, 350, 374, 373, 372, 371, 377, 376, 377, 368, 378, 379, 383, 384, 324, 320, 299, 296, 295, 285, 291, 290, 220 से होते हुए ग्राम हरभाठा में प्रवेश करती है और प्लॉट सं. 237, 238, 251, 168, 255, 164, से होकर जाती है और बिन्दु 'ख' पर मिलती है।

ख-ख 1-ख 2

रेखा ग्राम हरभाठा में प्लॉट सं. 164, 248, 247, 246, 208, 207, 199, 204, 203, 24, 12, 11, 10, 4, 3, 2 से होकर जाती है तब प्लॉट सं. 243, 240, 215, 240, 216, 224, 204, से होते हुए जाती है और अरदा भेजीनारा की सम्मिलित सीमा के बिन्दु 'ख 2' पर मिलती है।

ख 2-ख 3

रेखा प्लॉट सं. 15 की दक्षिणी सीमा ग्राम भेजीनारा में जाती है तब प्लॉट सं. 1/1, 1/1

ख 4-ग-क

54, 1/1, 4, 7, 9, 11, 24, से होते हुए ग्राम मिथाली में प्रवेश करती है और प्लॉट सं. 97, 95, 23/3 से होते हुए जाती है तब ग्राम अभयपुर में आगे बढ़ती है और प्लॉट सं. 34 से होकर जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

खनन अधिकार

ब्लॉक बी

क्रम सं०	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	अभयपुर	41	कटघोरा	बिलासपुर	25.496 भाग	
2.	ढेलवाडीह	42	कटघोरा	बिलासपुर	2.832 भाग	
कुल :					28.328 हैक्टर	
कुल योग	429.124 हैक्टर (लगभग) या 1060.36 एकड़ (लगभग)					

1. ग्राम अभयपुर (भाग) में अजित प्लॉट सं. : 1 (भाग), 2 3 (भाग), 4, 5 (भाग), 28 (भाग), 29 (भाग) 30 (भाग), 31 से 33, 34 (भाग) 145 (भाग)।

2. ग्राम ढेलवाडीह (भाग) में अजित प्लॉट सं. :
78/1 (भाग)

सीमा वर्णन

- घ-घ 1 रेखा ग्राम अभयपुर में बिन्दु 'ब' से आरंभ होती है और प्लॉट सं. 1, 34 से होकर जाती है और ग्राम अभयपुर-ढेलवाडीह की सम्मिलित सीमा के बिन्दु 'घ' 1 पर मिलती है।
- घ 1-ङ-घ रेखा प्लॉट सं० 78/1 से होते हुए ग्राम ढेलवाडीह से होकर जाती है और ग्राम ढेलवाडीह अभयपुर की सम्मिलित सीमा पर बिन्दु (घ) पर मिलती है।
- घ-छ-ज रेखा ग्राम अभयपुर से होते हुए प्लॉट सं. 34, 30, 29, 28, 1, 5, 3, 1 145, से 1 से होते हुए जाती है और आरंभिक बिन्दु 'छ' पर मिलती है।

[सं. 43015/2/96-एल.एस. डब्ल्यू/पी.आर.आई.डब्ल्यू]
के.एस. ओफा, निदेशक

New Delhi, the 27th October, 1998

S.O.2184.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1885, dated the 16th July, 1997, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), and published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 2nd August, 1997, the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 429.124 hectares (approximately) or 1060.36 acres (approximately), in the locality specified in the Schedule appended to that notification;

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the aforesaid report and after consulting the Government of Madhya Pradesh, is satisfied that the rights to mine, Quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 429.124 hectares (approximately) or 1060.36 acres (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 429.124 hectares (approximately) or 1060.36 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The plan bearing No. : SECL/BSP/GM(PLG)/Land/199, dated the 17th February, 1998, of the area covered by this notification may be inspected in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495006 (Madhya Pradesh).

SCHEDULE

DHELWADIH IST EXTENSION BLOCK

KORBA COALFIELD

DISTRICT—BILASPUR (MADHYA PRADESH)

MINING RIGHTS

Serial number	Name of village	Patwari Halka number	Tashil	District	Area in hectares	Remarks
1.	Abhaipur	41	Katghora	Bilaspur	14.569	Part
2.	Dhabdhap	42	Katghora	Bilaspur	16.997	Part
3.	Arda	48	Katghora	Bilaspur	198.992	Part
4.	Harrabhatha	48	Katghora	Bilaspur	17.677	Part
5.	Bhejinara	48	Katghora	Bilaspur	133.966	Part
6.	Singhali	41	Katghora	Bilaspur	18.595	Part

TOTAL : 400.796 hectares (approximately)

- Plot number acquired in village Abhaipur (Part)
34 (Part)
- Plot number acquired in village Dhabdhap (Part)
395 (Part)
- Plot numbers acquired in village Arda (Part).
39, 40, 41 (Part), 42 (Part), 83 (Part), 84, 85, 86 (Part), 87 (Part), 161 (Part), 163 (Part), 166 (Part), 167 (Part), 169 (Part), 170 to 173, 174 (Part), 175 to 177, 178 (Part), 179 (Part), 180 (Part), 182 to 195, 196/1, 196/2, 197 to 203, 204 (Part), 205 to 214, 215 (Part), 216 (Part), 217 (Part), 224 (Part), 240 (Part), 243 (Part), 244 to 284, 285 (Part), 286, 287/1, 287/2, 288, 289, 290 (Part), 291 (Part), 295 (Part), 296 (Part), 297 (Part), 299 (Part), 320 (Part), 324 (Part), 325 to 344, 345 (Part), 346, 347, 348 (Part), 349 (Part), 350 (Part), 351, 352, 353 (Part), 354 to 367, 368 (Part), 369, 370, 371 (Part), 372 (Part), 373 (Part), 374 (Part), 376 (Part), 377 (Part), 378 (Part), 379 (Part), 383 (Part), 384 (Part), 547 (Part), 551 (Part), 552 (Part), 560 (Part), 920 (Part).
- Plot numbers acquired in village Harrabhatha (Part).
2 (Part), 3 (Part), 4 (Part), 10 (Part), 11 (Part), 12 (Part), 13, 14, 24 (Part), 164 (Part), 199 (Part), 203 (Part), 204 (Part), 205, 206, 207 (Part), 208 (Part), 209 to 236, 237 (Part), 238 (Part), 239 to 245, 246 (Part), 247 (Part), 248 (Part), 250, 251 (Part), 255 (Part).
- Plot numbers acquired in village Bhejinara (Part).
1/1 (Part), 2, 3, 4 (Part), 5, 6, 7 (Part), 9 (Part), 10, 11 (Part), 24 (Part), 54 (Part), 57.
- Plot numbers acquired in village Singhali (Part).
93/1 (Part), 94, 95 (Part), 96, 97 (Part).

BOUNDARY DESCRIPTION

- A—A1—A2 Line starts from point 'A' on Trijunction of village Dhabdhab, Abhaipur, Bhejinara and passes through Dhabdhab village through plot number 395, then enter in village Arda partly along the northern boundary of plot number 217, then through plot numbers 41, 42 217, 83, 87, 86, 161, 163, 169, 167, 166, 174, 178, 179, 180, 560 and meets at point 'A2'
- A2—B Line passes through village Arda partly along the eastern boundary of plot number 186, then through plot numbers 552, 551, 547, 345, 348, 349, 353, 350, 374, 373, 372, 371, 377 376, 377, 368, 378, 379, 383, 384, 324, 320, 299, 297, 296, 295, 285, 291, 290, 920, then enter in village Harrabhatha and passes through plot numbers 237, 238, 251, 164, 255, 164 and meets at point 'B'.
- B—B1—B2 Line passes in village Harrabhatha through plot numbers 164, 248, 247, 246, 208, 207 199, 204, 203, 24, 12, 11, 10, 4, 3, 2, then enter in village Arda passes through plot numbers 243, 240, 215, 240, 216, 224, 204 and meets on the common boundary of village Arda-Bhejinara at point 'B2'.
- B2—B3—B4—C—A Line passes in village Bhejinara Southern Boundary of Plot numbers 1/1, then through plot numbers 1/1, 54, 1/1, 4, 7, 9, 11, 24 then enter in village Singhali and passes through plot numbers 97, 95, 93/1, then proceeds in village Abhaipur and passes through plot numbers 34, and meets at the starting point at 'A'.

SCHEDULE CONTINUE**MINING RIGHTS
BLOCK-B**

Serial number	Name of village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1.	Abhaipur	41	Katghora	Bilaspur	25.496	Part
2.	Dhelwadih	42	Katghora	Bilaspur	2.832	Part

TOTAL : 28.328 Hectares.

GRAND TOTAL : 429.124 hectares (approximately)

OR

1060.36 acres (approximately)

- Plot numbers acquired in village Abhaipur (Part)
1 (Part), 2, 3 (Part), 4, 5 (Part), 28 (Part), 29 (Part), 30 (Part), 31 to 33, 34 (Part), 145 (Part).
- Plot number acquired in village Dhelwadih (Part).
78/1 (Part).

BOUNDARY DESCRIPTION

- D—D1 Line starts from point 'D' in village Abhaipur and passes through plot number 1, 34 and meets on the common boundary of villages Abhaipur-Dhelwadih at point 'D1'.
- D1—E—F Line passes through village Dhelwadih through plot number 78/1, and meets on the common Boundary of villages Dhelwadih-Abhaipur and when it meets at point 'F'.
- F—G—D Line passes through village Abhaipur through plot numbers 34, 30, 29, 28, 1, 5, 3, 1, 145, 1, and meets on the starting point at 'D'.

[No. 43015/2/96-LSW/PRIW]
K.S. KROPHA, Director

शुद्धि-पत्र

नई दिल्ली, 27 अक्टूबर, 1998

कां०आ० 2185:—भारत के राजपत्र तारीख 31 जनवरी 1998 के भाग-II, खंड-3, उपखंड (ii) में पृष्ठ संख्या 401 से 403 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना कां०आ० सं० 234 तारीख 18 दिसम्बर, 1997 में:—

पृष्ठ क्रमांक 401 अधिसूचना में,
पंक्ति 11, “(राजस्व अनुभाग) सीवल रोड” के स्थान पर
“(राजस्व अनुभाग) सीपत रोड” पढ़ें।

पृष्ठ क्रमांक 402, अनुसूची में,
पंक्ति 3, “जिला-सरजुजा” के स्थान पर “जिला-सरगुजा”
पढ़ें।

तालिका में, तहसील स्तंभ के नीचे
क्रम संख्या 4 एवं 5, “सुरजपुर” के स्थान पर “प्रतापपुर”
पढ़ें।

“ग्राम बिसाही (भाग)” के स्थान पर “ग्राम बिसाही (भाग)”
पढ़ें।

ग्राम बिसाही (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक
में,

पंक्ति 2, “364(भाग), 365” के स्थान पर “364, 365” पढ़ें।
ग्राम कपसरा (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक में
पंक्ति 1, “110(भाग), 11 से 124, “के स्थान पर “110(भाग)
111 से 124” पढ़ें।

पृष्ठ क्रमांक 403, सीमा वर्णन में, रेखा च-छ-
पंक्ति 3, “ग्राम कपसारा” के स्थान पर “ग्राम कपसरा”
पढ़ें। और जहां कहीं भी “कपसारा” शब्द प्रयुक्त हुआ
हो, उसके स्थान पर “कपसरा” पढ़ें।

[सं० 43015/6/96-एल०एस०डब्ल्यू०/पी०आर०आई०
डब्ल्यू०]

के० एस० क्रोफा, निदेशक

CORRIGENDA

New Delhi, the 27th October, 1998

S.O. 2185.—In the notification of the Government of India in the Ministry of Coal number S.O. 234, dated the 18th December, 1997, published at pages 403 to 405 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 31st January, 1998,—

(1) at page 403, in Note 1,—

(a) in line 1,—

(i) for “SECL/BSP/G (PLGM)/Land/92,” read “SECL/BSP/GM (PLG)/land/92”.

(ii) for “Plans”, read “plan”.

(b) in line 2, for “Surguj (Madhy Pradesh), read “Surguja (Madhya Pradesh)”.

(c) in line 4, for “Eastern Coalfields Limited, (Revenue Section) Seep t Road” read “Eastern Coalfields Limited (Revenue Section), Seepat Road”;

(2) at page 404, in the schedule, under the heading “Plot numbers to be acquired in village Kapsara (Part)”,—

(a) in line 3, for “304 (Part)t, 311 (Part), 312 to 4) 6, 4) 7 (Part)”, read “304 (Part); 311 (Part), 312 to 406, 407 (Part)”;

(b) in line 5, for “579 to 592, 573 (Part), 574” read “579 to 592, 593 (Part), 594”;

(c) in line 6, for “729, 737”, read “729, 730”;

(3) at page 405, under the heading “BOUNDARY DISCRPTION”,—

(a) in sub-heading “A—B—C—D”,—

(i) in line 1, for “village K and P throu plot numbers” read “village Kapsara and passes through plot numbers”;

(ii) in line 3, for “416 4), 4) 8, 339, 39)”, read “416, 409, 408, 389, 390”;

(b) in sub-heading “D—E—F”,—

(i) in line 1, for “26), 259”, read “260, 259”;

(ii) in line 2, for “vill g p) di nd passes”, read “village Podi and passes”;

(c) in sub-heading “F—G”,

in line 4, for “pod i nd kap ra”, read “Podi and Kapsara”.

[No. 43015/6/96-LSW/PRIW]

K.S. KROPHA, Director

नई दिल्ली, 27 अक्टूबर, 1998

का. आ. 2186.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. एस ई सी एल/बी एस पी/जी एम (पी एल जी) भूमि/200 तारीख 24 फरवरी, 1998 का निरीक्षण साउथ इस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर 495006 (मध्य प्रदेश) के कार्यालय में या कलक्टर शहडोल (मध्य प्रदेश) कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हिनब्रद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निदिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर विभागाध्यक्ष (राजस्व), साउथ इस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

बकही परियोजना

सोहागपुर क्षेत्र

जिला—शहडोल (मध्य प्रदेश)

[रेखांक सं. एस ई सी एल/बी एस पी/जी एम (पी एल जी)/भूमि/200 तारीख 24 फरवरी, 1998 अधिसूचित भूमि]
के लिए सर्वेक्षण)

ग्राम का नाम	पट्टाहारी हल्का सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
बखी	47	अनूपपुर	शहडोल	105.534	भाग
कुल :		105.534 हैक्टर (लगभग) या 260.78 एकड़ (लगभग)			

सीमा वर्णन :

क-ख : रेखा सोन नदी के किनारे और खनन अधिकार सीमा पार बिन्दु “क” से आरम्भ होती है और

सोन नदी के किनारे के साथ-साथ जाती है और बिन्दु “ख” पर मिलती है।

ख-ख 1 ग-घ : रेखा बखी ग्राम से गुजरती है और बिन्दु “घ” पर मिलती है।

घ-क : रेखा खनन अधिकार सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु “क” पर मिलती है।

[सं. 43015/11/98—पी.आर.आई.डब्ल्यू]

के.एस. क्रोफा, निदेशक

New Delhi, the 27th October, 1998

S.O. 2186.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) hereinafter referred to as the said Act, the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/GM(PLG)/Land/200 dated the 24th February, 1998 of the area covered by this notification may be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

BAKHI PROJECT

SOHAGPUR AREA

DISTRICT—SHAHDOL (MADHYA PRADESH)

[(Plan No. SECL/BSP/GM(PLG)/Land/200 dated the 24th February, 1998) (Showing the land notified for prospecting)]

Name of village	Patwari Halka Number	Tahsil	District	Area in hectares	Remark
i	47	Anuppur	Shahdol	105.534	Part
TOTAL : 105.534 hectares (approximately) OR 260.79 acree (approximately)					

Boundary description:

A—B : Line starts from point 'A' on the bank of Son River and Mining Rights boundary and passes along the bank of Son River and meets at point 'B'.

B—B1—C—D : Line passes through village Bakhi and meets at point 'D'.

D—A Line passes along the Mining Rights boundary and meets at starting point 'A'.

[No. 43015/11/98-PRIW]
K. S. KROPHA, Director

नई दिल्ली, 27 अक्टूबर, 1998

का.आ. 2187 —केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है। धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या एस इ सी एल/बी एस पी/जी एम/पी एल जी 1/लैण्ड/217 तारीख 18 अगस्त, 1998 का निरीक्षण साउथ ईस्टर्न कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में या कलकटर शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप-धारा (17) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोल फील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) को भेजेंगे।

अनुसूची
चंगेरा खण्ड विस्तार
सोहागपुर क्षेत्र
जिला शाहडोल (मध्य प्रदेश)

(योजना सं. : एस इ सी एल/बीएसपी/जीएम (पी एल जी) / लेण्ड/217

तारीख : 18 अगस्त, 1998]

(पूर्वक्षण हेतु अधिसूची)

क्रम सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणी
1. नौगई		104	सोहागपुर	शाहडोल	926.077	पूर्ण
कुल :	926.077 हेक्टेयर (लगभग) या 2288.34 एकड़ (लगभग)					

सीमा वर्णन :

क-ख	रेखा चंगेरा और नौगई ग्रामों के संधि स्थान संगम पर बिन्दु "क" से आरम्भ होती है और ग्राम नौगई की पश्चिमी सीमा के साथ जाती है तथा बिन्दु "ख" पर मिलती है।
ख-ग	रेखा ग्राम नौगई की उत्तरी सीमा के साथ जाती है और बिन्दु "ग" पर मिलती है।
ग-घ	रेखा ग्राम नौगई की पूर्वी सीमा के साथ जाती है और बिन्दु "घ" पर मिलती है।
घ-क	रेखा ग्राम नौगई की दक्षिणी सीमा के साथ जाती है प्रारंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/16/98-पी.आर.आई.डब्ल्यू]
के.एस. क्रोफा, निदेशक

New Delhi, the 27th October, 1998

S.O.2187.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No ; SECL/BSP/GM(PLG)/Land/217 dated the 18th August, 1998, of the area covered by this notification can be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495006 (M.P.).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification.

SCHEDULE

CHANGERA BLOCK EXTENSION

SOHAGPUR AREA

DISTRICT—SHAHDOL (MADHYA PRADESH)

[Plan No ; SECL/BSP/GM(Plg)/Land/217 dated 18th August, 1998]

(Notified for prospecting)

Serial number	Name of village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Naogai	104	Sohagpur	Shahdol	926.077	Full

TOTAL : 926.077 hectares (approximately)

OR

2288.34 acres (approximately)

Boundary description

- A—B Line starts from point 'A' on the junction of Changera and Naogai villages and passes along the Western boundary of village Naogai and meets at apoint 'B'.
- B—C Line passes along the Northern boundary of village Naogai and meets at point 'C'.
- C—D Line passes along the Eastern boundary of village Naogai and meets at point 'D'.
- D—A Line passes along the southern boundary of village Naogai and meets at the starting point 'A'.

[No. 43015/16/98-PRIW]
K.S. KROPHA, Director

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 अक्टूबर, 1998

कां०आ० 2188.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा उक्त विषय पर पहले की सभी अधिसूचनाओं का अधि-क्रमण करते हुए केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के चेअरमैन सलाहकार पैनल का पुनर्गठन करती है और उक्त पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्ष की अवधि अथवा अगले आदेशों, जो भी पहले हो, तक के लिए नियुक्त करती है :—

1. श्री चिन्मी कृष्ण
2. श्री देवी वारा प्रसाद
3. श्री द्वारकीश
4. श्री एडिडा नागेश्वर राव
5. डा० के० मलाठी
6. डा० एस० कृष्णास्वामी
7. श्रीमती मंजु अग्रवाल
8. सुश्री मेरीन
9. श्री एस० नागराज
10. सुश्री नंदिता कृष्ण
11. श्री पी० वर्धाराज
12. श्री के०एस० राधाकृष्णन
13. श्री ए.एम. रत्नम
14. श्री शेखर जे० एफ०
15. श्री सेयुधननाथन
16. श्री शनमुगम टी०
17. सुश्री शिरानी परेरा
18. श्री विजयराघवन
19. श्रीमती पी० सुशीला
20. श्रीमती सुजाता राव
21. श्रीमती ललिता सुभास
22. श्रीमती राधिका गुप्ता
23. श्रीमती ई० जमुना
24. श्रीमती पद्मा योगेन्द्र
25. सुश्री सुगंधी शोपात्री
26. श्रीमती मंजुला रमेश
27. श्रीमती इंदुमति
28. श्रीमती कौशल्या जवाहर
29. श्रीमती जया रंगनाथन
30. श्रीमती सुशीला पद्मानाभन
31. श्री फिलिप थामस
32. श्री बेन्निरा अर्द्ध मूर्ति
33. श्री के० बालाजी
34. श्री ए०वी० श्रीनिवासन
35. श्रीमती तुलसी गौतमन
36. श्रीमती सुमित्रा
37. श्रीमती लक्ष्मी राजाराम
38. श्रीमती ईस्थर पांडियन
39. श्रीमती रेवती शनमुगम
40. श्रीमती गीता बंकर
41. श्रीमती ज्योति दासवानी
42. श्रीमती पेग्गी लालू थॉमस
43. श्रीमती ललिता श्रीराम
44. श्रीमती निखिला अशोककुमार
45. श्रीमती के० भारतीय
46. श्रीमती आर० बिन्दा
47. श्रीमती स्वर्णा राजा
48. श्रीमती अरसू मनीमेकलई
49. श्री नल्ली कुप्पुस्वामी चेट्टी
50. श्री आर० वरदन
51. श्री अमानुल्ला खां
52. श्री एस० ए० गणेशन
53. श्री पिचुमनी रंगाराजन
54. श्री के० श्रीधरन

[फा. सं. 809/7/98-एफ० (सी०)]
आई०पी० मिश्रा, डैस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th October, 1998

S.O. 2188.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's earlier Notifications on the subject, the Central Government is pleased to re-constitute the Chennai Advisory Panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri Chinny Krishna
2. Shri Devi Vara Prasad
3. Shri Dwarakeesh
4. Shri Edida Nageshwara Rao
5. Dr. K. Malathi
6. Dr. S Krishnaswami
7. Smt. Manju Agarwal
8. Ms. Marine
9. Shri S. Nagaraj
10. Ms. Nanditha Krishna
11. Shri P. Varatharaj
12. Shri K. S. Radhakrishnan
13. Shri A. M. Ratnam
14. Shri Sekhar J. F.
15. Shri Sathuvaldyanathan
16. Shri Shanmugam T.
17. Ms. Shirani Periera
18. Shri Vijayaraghavan
19. Smt. P. Susheela
20. Smt. Sujata Rao
21. Smt. Lalitha Subhash
22. Smt. Radhika Gupta
23. Smt. E. Jamuna
24. Smt. Padma Yogendra
25. Ms. Suganthi Seshadri
26. Smt. Manjula Ramesh
27. Smt. Indumathi
28. Smt. Kausalya Jawahar
29. Smt. Jeya Ranganathan
30. Smt. Susheela Padmanabhan
31. Shri Philip Thomas
32. Shri Vennira Adai Murthy
33. Shri K. Balaji
34. Shri A. V. Srinivasan
35. Smt Thulasi Gauthaman
36. Smt. Sowmithra
37. Smt. Lakshmi Rajaram
38. Smt. Easther Pandian
39. Smt. Revathy Shanmugham
40. Smt. Gita Banker
41. Smt. Jyothi Daswani
42. Smt. Peggy Lalu Thomas
43. Smt. Lalitha Sriram
44. Smt. Nikhila Ashokumar

45. Smt. K. Bharathy
46. Smt. R. Brinda
47. Smt. Swarna Rajah
48. Smt. Arasu Manimekalai
49. Shri Nalli Kuppasamy Chetty
50. Shri R. Varadan
51. Shri Amanullah Khan
52. Shri SA. Ganesan
53. Shri Pichumani Ranganajan
54. Shri K. Sreedharan

[File No. 809/7/98-F(C)]

I. P. MISHRA, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1998

कां०आ० 2189.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए तथा उक्त विषय पर पहले की सभी अधिसूचनाओं का अधिकमन करने हुए केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के मुख्य सलाहकार पैनल का पुनर्गठन करती है और उक्त पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्ष की अवधि अथवा अगले आदेशों, जो भी पहले हो, तक नियुक्त करती है :—

1. डा० अनिल सक्सेना
2. डा० अरविन्द लेले
3. श्री अरविंद कुमार कहैया लाल शर्मा
4. श्री अशोक एस० सहारे
5. श्री बोनानी दाम गुप्ता
6. श्री बृज भूषण
7. श्री चन्द्रकांत वल्लशी
8. श्री देवेन्द्र खण्डेलवाल
9. श्री कुन्दन व्यास
10. श्री मनीहर वागले
11. श्री भानू चड्ढा
12. श्री मुकुन्द कृष्णाजी परतुलेकार
13. श्री एन० डब्ल्यू० आलिस चांदनी
14. श्री गुरुप्रीतम बिश्वास
15. डा० राम एस० तरतेजा
16. श्री रामचन्द्र नारायणजी
17. श्री एस०वी० करमवार
18. श्री सुनील महाजन
19. श्री सूरज वाण्ये
20. श्री उदय ताडक
21. श्री वीरेन्द्र चितराव
22. श्री विट्ठलसिंग एम० राजपूत
23. श्री अजय कोठारी
24. श्री आनन्दजी शाह
25. सुश्री मोनिका बर्मन
26. सुश्री निकिता मोघे

27. श्री पदमाजा फेन्नई जोगलेकर
28. सुश्री सुशीला भाटिया
29. सुश्री प्रतिभा एल० दोषी
30. सुश्री प्रोमिला श्रीवास्तव
31. श्री अजीत शुभांगी तेन्दुलकर
32. श्रीमती उषा मेहता
33. सुश्री विद्या हेगड़े
34. श्री बी०बी० फर्नांडिस
35. श्री प्रताप रूपल प्रशांत
36. श्री सुभाषचन्द्र अचला डागा
37. श्री यशवन्त डी० जोगलेकर
38. सुश्री गीता सेन
39. सुश्री शीला मुखर्जी
40. श्री दीना रामकृष्ण
41. सुश्री रेखा हातोलकर
42. सुश्री आशा विजयरथ सिधानियां
43. सुश्री रोफ अहमद
44. सुश्री नजीर हुसैन
45. सुश्री रत्ना पाठक शाह
46. श्री मणि रावड़ी
47. सुश्री संगीता प्रोहरी
48. सुश्री विश्व प्रसाद खन्ना
49. श्रीमती शम्मी
50. श्रीराम मोहन
51. श्री अली रेजा
52. श्री शरद चौहान
53. श्री रघुवीर कुल
54. श्री पुरुषोत्तम दारवेकर
55. श्री राजदत्त
56. श्री पुरुषोत्तम बेडे
57. श्री प्रभाकर पंशीकर
58. श्री जयदेव हाथनगाडी
59. श्री शेखर सेन
60. श्री शान्ती देव
61. श्री अक्षर कुमार झा
62. श्री वासुदेव कामत
63. श्री अशोक रानाडे
64. श्री प्रवीण दवाडे
65. श्री शब्दा कुमार
66. श्री बी०पी० जोशी
67. श्री अशोक पटवर्धन
68. श्री रवीन्द्र साठे
69. सुश्री दिव्याणी खानखोजी
70. श्री वेद राही
71. सुश्री अंजली किरतान
72. सुश्री रिकी भट्टाचार्य
73. श्री राम केलकर
74. श्री अब्दुल हलीम जफरखान
75. श्री शरणेश आहुजा
76. श्री सुभाष देसाई

77. श्री दयामन्द नेने
78. श्री किरण पंतगौतकर
79. प्रो० रत्नाकर कामत
80. श्री इन्द्रसेन सिंह
81. सुश्री नीला उपाध्याय
82. श्री अरविंद तिबरे वाला
83. श्री बी०जे० त्रिवेदी
84. श्री के० वलीचा (डॉ०)
85. श्री कैलाश मुरारकर
86. श्री केतन एच० शाह
87. श्री एल० सातेलकर
88. श्री मनोज दुबे
89. श्री मोहम्मद अहमद एच०
90. श्री नदीम नुसरथ
91. श्री नरेन्द्र शर्मा (डॉ०)
92. श्री ओम प्रकाश मिह
93. श्री आर० निर्मल
94. श्री समीर देसाई
95. श्रीमती ए० राजाध्यक्ष
96. सुश्री बी० सोनैया
97. श्रीमती कोकिला भट्ट
98. श्रीमती सीना सेन
99. श्रीमती एम० बाघमारे
100. श्रीमती ममता कानाडे
101. श्रीमती मृणालिनी पाटिल
102. श्रीमती नीता बरुआ
103. श्रीमती रश्मि शर्मा
104. सुश्री एस० शिमोमणी
105. श्रीमती सरोज शर्मा
106. श्रीमती शैला हिरेकर
107. श्रीमती ऊषा ठक्कर
108. श्रीमती वीणा प्रभु
109. श्रीमती विद्या चावण
110. श्री हरीश शाह

[फा. सं. 809/9/98-एफ०(सी०)]

आई०पी० मिश्रा, डैस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2189.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's earlier Notifications on the subject, the Central Government is pleased to reconstitute the Mumbai advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Dr. Anil Saxena
2. Dr. Arvind Lele
3. Shri Arvindkumar Kanhaia Lal Sharma
4. Shri Ashok S. Sahare

- | | |
|--------------------------------------|---------------------------------|
| 5. Shri Bonani Dasgupta | 63. Shri Ashok Ranade |
| 6. Shri Brij Bhushan | 64. Shri Pravin Devane |
| 7. Shri Chandrakant Bakshi | 65. Shri Shabda Kumar |
| 8. Shri Devendra Khandelwal | 66. Shri B. P. Joshi |
| 9. Shri Kundan Vyas | 67. Shri Ashok Patwardhan |
| 10. Shri Manohar Wagle | 68. Shri Ravindra Sathe |
| 11. Shri Manu Chadha | 69. Ms. Devyani Khankhoje |
| 12. Shri Mukund Krishnaji Partulekar | 70. Shri Ved Rahi |
| 13. Shri N. W. Alimchandani | 71. Ms. Anjali Kittana |
| 14. Shri Purushottam Biswas | 72. Ms. Rinki Bhattacharya |
| 15. Dr. Ram S. Tarneja | 73. Shri Ram Kelkar |
| 16. Shri Ramchandra Narayanji | 74. Shri Abdul Halim Jaffarkhan |
| 17. Shri S. V. Karmarkar | 75. Shri Ramesh Ahuja |
| 18. Shri Sunil Mahajan | 76. Shri Subhash Desai |
| 19. Shri Suraj Varshney | 77. Shri Dayanand Nene |
| 20. Shri Uday Naik | 78. Shri Kiran Paingankar |
| 21. Shri Verinder Chitrao | 79. Prof. Ratnakar Kamat |
| 22. Shri Vithalsing M. Rajput | 80. Shri Indrasen Singh |
| 23. Dr. Ajay Kothari | 81. Ms. Neela Upadhye |
| 24. Shri Anandji Shah | 82. Shri Arvind Tiorewala |
| 25. Mrs. Monica Burman | 83. Shri B. J. Trivedi |
| 26. Ms. Nikita Moghe | 84. Shri K. Valcha (Dr.) |
| 27. Shri Padmaja Phenejay Joglekar | 85. Shri Kailash Murarka |
| 28. Ms. Susheela Bhatia | 86. Shri Ketan H. Shah |
| 29. Ms. Pratima L. Doshi | 87. Shri L. Satelkar |
| 30. Ms. Promila Srivastava | 88. Shri Manoj Dubey |
| 31. Shri Ajit Shubhangi Tendulkar | 89. Shri Moh. Ahmed H. |
| 32. Smt. Usha Mehta | 90. Shri Nadeem Nusrath |
| 33. M/s Vidya Hegde | 91. Shri Narendra Sharma (Dr.) |
| 34. Shri B. B. Fernandes | 92. Shri Om Prakash Singh |
| 35. Shri Pratap Rupal Prashant | 93. Shri R. Nirmal |
| 36. Shri Subhaschandra Achla Daga | 94. Shri Sameer Desai |
| 37. Shri Yashavant D. Joglekar | 95. Smt. A. Rajadhyaksha |
| 38. Ms. Gita Menon | 96. Ms. B. Somaiva |
| 39. Ms. Sheela Mukherjee | 97. Smt. Kokila Bhatt |
| 40. Shri Dina Ramakrishna | 98. Smt. Leena Sen |
| 41. Ms. Rekha Hatelkar | 99. Smt. M. Waghmare |
| 42. Ms. Asha Vijayrath Singhania | 100. Smt. Mamta Kanade |
| 43. M. Rauf Ahmed | 101. Smt. Mumtazini Patil |
| 44. Ms. Nazir Hussain | 102. Smt. Nita Parua |
| 45. Ms. Ratna Pathak Shah | 103. Smt. Rashmi Sharma |
| 46. Shri Mani Rabadi | 104. Ms. S. Shivomani |
| 47. Ms. Sangeeta Ohri | 105. Smt. Saroj Sharma |
| 48. Ms. Vishwa Prasad Khanna | 106. Smt. Shaila Hirekar |
| 49. Smt. Shammi | 107. Smt. Usha Thakar |
| 50. Shri Ram Mohan | 108. Smt. Veena Prabhu |
| 51. Shri Ali Rezu | 109. Smt. Vidya Chavan |
| 52. Shri Sharad Chawan | 110. Shri Harish Shah. |
| 53. Shri Raghuvir Kul | |
| 54. Shri Purushottam Darvekar | |
| 55. Shri Raj Dutt | |
| 56. Shri Purushottam Berde | |
| 57. Shri Prabhakar Panshikar | |
| 58. Shri Jaldev Hathangadi | |
| 59. Shri Shekhar Sen | |
| 60. Shri Shanti Deo | |
| 61. Shri Akshaykumar Jha | |
| 62. Shri Vagudeo Kamat | |

[File No. 809/9/98-F(C)]

L. P. MISHRA, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1998

का.प्र. 2190.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ (पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए तथा उक्त विषय पर पहले की सभी अधिसूचनाओं का अधिक्रमण करने के लिए सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल का पुनर्गठन करती है और उक्त पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्ष

की अवधि के लिए अथवा अगले आदेशों तक जो भी पहले हो, नियुक्त करती है :—

1. श्री अक्किनेनी वेंकटा नारायणा
2. श्रीमती अमला अक्किनेनी
3. श्री अपराजिता राय सिन्हा
4. श्रीमती आशा रानी
5. श्री बाबिल्लपति गोपालकृष्णा
6. श्री गिरि बाबू
7. गुअप्पा चौधरी एम. एल. डॉ.
8. श्री जगपति रामैया बी.
9. श्रीमती जयश्री
10. कनकम्बरा राजू सी. डॉ.
11. श्री कोटा श्रीनिवास राव
12. श्री कृष्णन राजू यू. बी.
13. श्री कृष्णास्वामी एम.
14. श्रीमती लक्ष्मी मेनन
15. श्री मुरली कृष्णा के.
16. श्री नरसिम्हानाथ चौधरी
17. श्री नरेश
18. श्री पाण्डवाला यदुकुण्डल
19. श्री पेन्ड्यला
20. श्री प्रसाद बाबू
21. श्रीमती राधा बाला सुब्रमण्यम
22. श्री रामराजू बी. प्रोफेसर (सेवा-निवृत्त)
23. श्री रंगनाथ
24. श्री मनीष चन्द्र ए. बी.
25. श्री श्रीप्रसाद टी. (चिन्ती बाबू)
26. श्री सुरेश डी.
27. श्री सैयद अतीफ
28. श्रीमती टी. विजयलक्ष्मी
29. श्री त्याग राजू टी. एम.
30. श्री वक्की पांडुरंगा राव
31. श्री वक्कीती मधुमदन
32. श्रीमती विजय निर्मला
33. श्री बल्ले नारायण रेड्डी
34. श्रीमती जे. सूर्यकान्तम
35. श्रीमती ललिता पशुपति
36. श्रीमती माला सरला कुमारी
37. श्री ए. एन. व्यास
38. श्रीमती अलावर्दी
39. श्री मणि
40. श्रीमती मेदनाथि पद्मजा
41. श्रीमती एम. सरला रानी
42. श्रीमती चित्रा नागराज
43. श्री सी. जे. रेड्डी
44. श्रीमती एम. के. आर. अश्लता
45. श्रीमती एम. पी. सुशीला कनक राजू
46. डा. वसा प्रभावती
47. श्री बी. मधुसूदन

48. डा. एस. रवीन्द्र नाथ
49. श्री मनमोहन रेड्डी
50. श्री च. सुब्राराव
51. श्री मौली
52. श्री जे. बापू रेड्डी
53. श्रीमती मण्मथी
54. डॉ. ए. आर. विजयलक्ष्मी
55. श्री पोटुक्की सम्बाशित्रा राव
56. श्री परवतला राव

[फाइल संख्या 809/10/98-एफ. (पी)]

आई.पी. मिश्रा, डैस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2190.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's earlier Notifications on the subject, the Central Government is pleased to reconstitute the Hyderabad Advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri Akkineni Venkata Narayana
2. Mrs. Amala Akkineni
3. Shri Aparajita Roy Sinha
4. Mrs. Asha Rani
5. Shri Bobbillaipati Gopalkrishna
6. Shri Giri Babu
7. Gruappa Chowdary M.L. Dr.
8. Shri Jagapathi Ramaiah V.
9. Mrs. Jayashree
10. Kanakambara Raju C. Dr.
11. Shri Kota Srinivasa Rao
12. Shri Krishnan Raju UV
13. Shri Krishnanswamy S.
14. Mrs. Lakshmi Menon
15. Shri Murali Krishna K.
16. Shri Narasimhanath Chowdary
17. Shri Naresh
18. Shri Pandavala Yedukondala
19. Shri Pendyala
20. Shri Prasad Babu
21. Mrs. Radha Bala Subramanyam
22. Shri Ramaraju B. Professor (Retd.)
23. Shri Ranganath
24. Shri Satish Chandra A.V
25. Shri Sri Prasad T. (Chintu Babu)
26. Shri Suresh D.
27. Shri Syed Ateek

28. Smt. T. Vijayalakshmi
29. Shri Tyaga Raju T. S.
30. Shri Vakati Panduranga Rao
31. Shri Vakiti Madhusudan
32. Smt. Vijaya Nirmala
33. Shri Valle Narayan Reddy
34. Smt. J. Suryakantham
35. Smt. Lalitha Pasupathi
36. Smt. Ghanta Sarala Kumari
37. Shri A. N. Vyas
38. Smt. Attaluri
39. Shri Mani
40. Smt. Yedlapati Padmaja
41. Smt. M. Sarala Rani
42. Smt. Chitra Nagaraj
43. Shri C. J. Reddy
44. Smt. M. K. R. Ashalata
45. Smt. S. P. Suseela Kanaka Raju
46. Dr. Vasa Prabhavati
47. Shri V. Madhusudān
48. Dr. S. Ravindra Nath
49. Shri Man Mohan Reddy
50. Shri Ch. Subba Rao
51. Shri Mouli
52. Shri J. Bapu Reddy
53. Smt. Saraswathi
54. Dr. A. R. Vijayalakshmi
55. Shri Pothukuchi Sambasiva Rao
56. Shri Parvathala Rao

[F. No. 809/10/98-F(C)]
I. P. MISHRA, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1998

का.आ. 2191.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 ब 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए तथा उक्त विषय पर पहले की सभी अधिसूचनाओं का अतिक्रमण करते हुए केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सहायकाल पैनाल का पुनर्गठन करती है और उक्त पैनाल के सदस्य के रूप में निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्ष की अवधि अथवा अगले आदेशों, जो भी पहले हों, तक नियुक्त करती है:—

3. डा. धिदरी राजेश कुमार
4. श्री ना. गीताराम
5. श्री के.सी.एन. चन्द्र
6. श्री जी.वी. अय्यर
7. श्री आर. लक्ष्मण
8. श्री टी.एस. लोहितम्बा
9. श्रीमती एन.एम. रत्ना प्रभा
10. श्रीमती नम्रता दुरगर
11. श्री टी.एस. जगमोहन
12. श्रीमती पूर्णिमा शांति कृष्ण
13. श्री सनोब जेड भरुचा
14. श्री टी.एन. मोताराम
15. श्रीमती शारदा नाइक
16. डा. शाला राव
17. श्री मिहा विगइया
18. श्रीमती सुधा नारायणन
19. श्री सुधीर
20. श्रीमती मुख्खा
21. श्री तुलसी रामचन्द्र राव
22. श्री विजय प्रसाद
23. कु. संजुला
24. श्रीमती फिलोमिना बेरिस
25. श्रीमती के.बी. शान्ता आचार्य
26. श्रीमती श्रीलता पूर्ण चन्द्रा
27. कु. के. संगहिणी मुन्ना
28. श्री पुब्बानी अण्णतरग्यारा
29. श्री बी.एन. मुब्बा राव
30. श्रीमती एन.एम. पार्वती
31. श्री बी.के. गुरुराज
32. श्रीमती यशोदा जेट्टी
33. श्री फारूख केसर
34. श्रीमती परवीन बाणा
35. श्रीमती बत्सला राघवन
36. श्रीमती पद्मा श्रीनिवासन
37. श्री एम.के. राव
38. श्री बी. हरीकिशन
39. श्रीमती सुजाना परमाशिवैया
40. श्री भास्कर हैगट्टे
41. श्री टी.एस. लक्ष्मण
42. प्रो. इक्बाल अहमद

1. श्री ए.प्रार. राजू
2. श्री अरुणी पोद्दार

[फाइल नं. 809/11/98-एफ. (सी.)]

आई.पी.मिश्रा, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2191.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with Rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of all earlier Notifications on the subject,, the Central Government is pleased to reconstitute the Bangalore Advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri A. R. Raju
2. Shri Arushi Poddar
3. Dr. Bidari Rajendra Kumar
4. Shri C. Sitaram
5. Shri K. C. N. Chandru
6. Shri G. V. Iyer
7. Shri R. Lakshman
8. Shri T. S. Lohitawala
9. Smt. N. S. Ratna Prabha
10. Smt. Namrata Duggar
11. Shri T. S. Narasimhan
12. Smt. Purnima Shashi Coontoor
13. Shri Sanober Z. Bharucha
14. Shri T. N. Sectharam
15. Smt. Sharada Naik
16. Dr. Sheila Rao
17. Shri Siddalingaiah
18. Smt. Sudha Narayanan
19. Shri Sudhir
20. Smt. Surekha
21. Shri Tulasi Ramachander Rao
22. Shri Vinaya Prasad
23. Km. Manjula
24. Smt. Philomena Peris
25. Smt. K. V. Shantha Acharya
26. Smt. Sreelatha Purnachandra

27. Ku. K. Sarohini Muthanna
28. Shri Pubbathi Ashwatharayara
29. Shri V. N. Subba Rao
30. Smt. H. S. Parvathy
31. Shri B. K. Gururaj
32. Smt. Yashodha Shetty
33. Shri Farukh Kaiser
34. Smt. Parveen Bashla
35. Smt. Vatsala Raghavan
36. Smt. Padma Srinivasan
37. Shri M. K. Rao
38. Shri V. Harikishen
39. Smt. Sujatha Paramashivaiah
40. Shri Bhaskar Hegde
41. Shri T. S. Lakshman
42. Prof. Iqbal Ahmed.

[File No. 809/11/98 F(C)]

I. P. MISHRA, Desk Officer

खाद्य प्रसंस्करण

उद्योग मंत्रालय

नई दिल्ली, 22 सितम्बर, 1998

का.आ. 2192.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में मॉडर्न फूड इंडस्ट्रीज (इं) लि. की भागलपुर यूनिट को जिसके 80 प्रतिशत कर्म-चारीवृंद ने हिन्दी का कार्यसमर्थक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या ई-12011/10/94-हिन्दी]

के.के.गुप्ता, संयुक्त सचिव

MINISTRY OF FOOD PROCESSING INDUSTRIES

New Delhi, the 22nd September, 1998

S.O. 2192.—In pursuance of sub rule (4) of (10) of the official Language (use for official purposes of the union) the Central Government hereby notified the Bhagalpur unit of Modern Food Industries (India) Ltd., the 80 per cent staff whereof have acquired a working knowledge of Hindi.

[No. E-12011/10/94-Hindi]

K. K. GUPTA, Jt. Secy.

खाद्य एवं उपभोग्यता मामले मंत्रालय

भारतीय मानक व्यूरो

नई दिल्ली, 15 अक्टूबर, 1998

वा.आ. 2193.--भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसार में भारतीय मानक व्यूरो एन.ए.ए. अधिसूचित करता है कि जिस/जिन भारतीय मानक मानकों, वा/के विवरण नीचे अनुसूची दिया गया है/दिये गये हैं, वह/वे स्थापित हो गया है/हो गये हैं:--

अनुसूची

क्रम सं. स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक		नये भारतीय मानक द्वारा प्रतिश्रुत स्थापित तिथि	
		भारतीय मानक अथवा मानकों, यदि कोई हों, की सं. और वर्ष	
1	2	3	4
1.	आई एस 51 : 1998 रोगन के लिये जिंक-प्रोम-विशिष्ट (चौथा पुनरीक्षण)	आई एस 51 : 1979	1998-04-30
2.	आई एस 1448 (भाग 64) : 1998 पेट्रोलियम और उसके उत्पादों की परीक्षण पद्धति भाग 64 विन्यायकों में अवाष्पशील पदार्थ का निर्धारण (पहला पुनरीक्षण)	आई एस 1448 (भाग 64) : 1972	1998-05-31
3.	आई एस 2798 : 1998 प्लास्टिक धारकों के लिये परीक्षण विधियाँ (पहला पुनरीक्षण)	आई एस 2798 : 1964	1998-05-31
4.	आई एस 2804 : 1998 पान ग्रिप-विशिष्ट (पहला पुनरीक्षण)	आई एस 2804 : 1964	1998-05-31
5.	आई एस 3597 : 1998 कंथीट पाइप-परीक्षण पद्धतियाँ (दूसरा पुनरीक्षण)	आई एस 3597 : 1985	1998-07-31
6.	आई एस 4227 : 1998 बस्तादि बार्न आकाशीय प्रयोजनों के लिये गुम्फत नायलोन की रस्सी-विशिष्ट (दूसरा पुनरीक्षण)	आई एस 4227 : 1981	1998-07-31
7.	आई एस 5095 : 1998 एंड लोकेटिंग प्लग-विशिष्ट (पहला पुनरीक्षण)	आई एस 5095 : 1969	1998-05-31
8.	आई एस 5316 : 1998 अमोनिया कार्बोनेट-विशिष्ट	आई एस 5315 : 1969	1998-05-31
9.	आई एस 5760 : 1998 आगन सम्पीडित एवं तरल-विशिष्ट	आई एस 5760 : 1983	1998-05-31
10.	आई एस 6389 : 1998 बराबर छेद वाले संयोजी रैच की विशिष्ट (पहला पुनरीक्षण)	आई एस 6389 : 1989	1998-06-30
11.	आई एस 8118 : 1998 स्वचल वाहन मुक्त त्वरण पद्धति के अन्तर्गत प्रचालित संपीडित दहन इंजनों से मुक्त वाहनों से निष्काशित गैस की अपार्यता (धुआँ)-मापन पद्धति (दूसरा पुनरीक्षण)	आई एस 8118 : 1987	1998-07-31
12.	आई एस 8472 : 1998 पम्प-पुनर्योजी स्वच्छ ठंडे पानी के लिये विशिष्ट (पहला पुनरीक्षण)	आई एस 8472 : 1977	1998-08-31
13.	आई एस 9057 : 1998 स्वचल वाहन-निष्कास उत्सर्जन-स्पीक दहन इंजन मुक्त वाहनों के शक्त्यांतरण पर कार्बन मोनो-आक्साइड सांद्र-मापन पद्धति (दूसरा पुनरीक्षण)	आई एस 9057 : 1986	1998-07-31

1	2	3	4
14.	आई एस 9335(भाग 2) : 1998 विद्युत् प्रयोजनों के लिये सैल्युलोजिक कागज भाग 2 परीक्षा पद्धति (पहला पुनरीक्षण)	आई एस 9335(भाग 2) : 1981	1998-06-30
15.	आई एस 9348 : 1998 कैपलिंग कैपीसीटर और कैपीसीटर परकार (पहला पुनरीक्षण)	आई एस 9348 : 1979	1998-07-31
16.	आई एस 9401(भाग II) : 1998 नदी घाटी परियोजनाओं के कार्य मापन की पद्धतियां (बांध और सम्बद्ध संरचनाएं) भाग 11 डायग्राम वाल्व (पहला पुनरीक्षण)	आई एस 9401(भाग II) : 90	1998-04-30
17.	आई एस 10407 : 1998 स्वचल वाहन दुर्घट्ट-स्वरण कार्यकारिता-मूल्यांकन पद्धति (दूसरा पुनरीक्षण)	आई एस 10407 : 1994	1998-05-31
18.	आई एस 11298(भाग 2/खंड 3) : 98 विद्युत् प्रयोजनों के लिये प्लास्टिक फिल्म भाग 3 अलग-अलग सामग्रियों की विशिष्ट अनुभाग 3 विद्युत् रोधन में प्रयुक्त संतुलित द्विअक्षीय अभिविन्यस्त पालीइथादीन टैरेफथेलेट (पी ई टी) फिल्मों की अपेक्षाएं	--	1998-07-31
19.	आई एस 12343 : 1998 कृषि ट्रैक्टर-प्रचालक सीट-तकनीकी अपेक्षाएं (पहला पुनरीक्षण)	आई एस 12343 : 1988	1998-06-30
20.	आई एस 12375(भाग 5) : 1998 शल्य चिकित्सा के लिये अन्तर्रोपण आंगिक और संपूर्ण कूल्हे पर के जोड़ भाग 5 उन्डीनुमा फेमोरल अवयवों के सिरे और गर्दन भाग के स्थैतिक भार पर प्रतिरोध ज्ञात करना	आई एस---	1998-07-31
21.	आई एस 12746(भाग 5/अनु 3) : 1998 दूर नियंत्रण और तंत्र भाग 5 संधारण पूर्व लेख अनु. 3 अनुप्रयोगी आंकड़ों की सामान्य संरचना	--	1998-07-31
22.	आई एस 12762 (भाग 3) : 1998 फोटो-प्रकाशयोल्टीय युक्तियां भाग 3 संदर्भ डाटा सहित स्थलीय प्रकाश योल्टीय (पी वी) और युक्ति के लिए मानक सिद्धांत की विशिष्टि	---	1998-07-31
23.	आई एस 14458 (भाग 1) : 1998 पहाड़ी क्षेत्र के लिए प्रतिधारक भित्ति हेतु मार्गदर्शी सिद्धांत भाग 1 भित्ति के प्रकार का चयन	---	1998-05-31
24.	आई एस 14485 : 1998 ग्रीन हाउस के तापन, संवातन शीतन की सिफारिशें	--	1998-06-30
25.	आई एस 14488 : 1998 चमड़े के लिए सल्फाइडेड रसा-द्राव-विशिष्टि	---	1998-06-30
26.	आई एस 14498 : 1998 चुम्बकीय ऑक्साइड से बने ईपी क्रोड तथा संबद्ध पुर्जे--आयाम	---	1998-06-30
27.	आई एस 14501 (भाग 2) : 1998 स्पंद तकनीकें और उपकरण भाग 2 स्पंद मापन और विण्लेषण, सामान्य विचार	---	1998-06-30
28.	आई एस 14511 : 1998 स्वचल वाहन ईंधन अन्तः-क्षेपक हस्त चलित परीक्षण उपकरण--विशिष्टि	---	1998-06-30
29.	आई एस 14517 : 1998 मत्स्य प्रसंस्करण उद्योग--पानी एवं बर्फ--तकनीकी अपेक्षाएं	---	1998-06-30

(1)	(2)	(3)	(4)
30. आई एस 14526 : 1998 वानिकी औजार पादप वाहक-विशिष्ट	---		1998-03-31
31. आई एस 14537 : 1998 अल्कोहल के पैकेजिंग के लिए पोलीइथाइलीन टैरीफथैलिट (पी ई टी) बोतलों की विशिष्ट	---		1998-05-31
32. आई एस 14538 (भाग 1) : 1998 गैस्केट और पैकिंग भाग 1 संयोजन कार्य—विशिष्ट	---		1998-06-30
33. आई एस 14545 : 1998 अन्तः देशीय पोत पुनः टी के लिए कप्लिंग विच्छेद—मुख्य आयाम	---		1998-06-30
34. आई एस 14547 : 1998 वायुयान-त्रिजंघी के केबल और केबल हार्नेस—पारिभाषिक शब्दावली	---		1998-06-30
35. आई एस 14549 : 1998 हैक्माकोनाजोल, तकनीकी—विशिष्ट	---		1998-07-31
36. आई एस 14553 : 1998 स्वचल वाहन—संपीडित दहन इंजन-युक्त वाहनों से निष्कासित गैस की अपार्यता (धृओं) के मापन का उपकरण—विशिष्ट	---		1998-07-31
37. आई एस 14554 : 1998 स्वचल वाहन—शक्त्यांतरण विशिष्ट पर स्पर्क दहन इंजनों से युक्त वाहनों से कार्बन मोनो-आक्साइड सांद्र के मापन का उपकरण—विशिष्ट	---		1998-07-31
38. आई एस 14556 : 1998 स्वचल वाहन—स्फुलिंग दहन इंजनों के लिए उत्प्रेरक परिवर्तन—संस्थापित अपेक्षाएं	---		1998-07-31
39. आई एस 14558 : 1998 घड़ी साजी—प्राथमिक बैटरियां घड़ियों के लिए बैटरियां	---		1998-07-31
40. आई एस 14559 : 1998 घड़ीसाजी—गोताखोरों की घड़ियां	---		1998-07-31
41. आई एस 14561 : 1998 अग्नि प्रतिरोधी (ऊष्मारोधी) फाइलिंग कैबिनेट—विशिष्ट	---		1998-07-31
42. आई एस 14562 : 1998 अग्नि प्रतिरोधी संगणक माध्यम संरक्षण कैबिनेट—विशिष्ट	---		1998-06-30
43. आई एस 14563 (भाग 1) : 1998 वस्त्रादि फार्मलडीहाइड की अवधारणा भाग 1 मुक्त (फ्री) फार्मलडीहाइड	---		1998-07-31
44. आई एस 14566 : 1998 वस्त्रादि फर्श आवरण—हस्त निर्मित रेणुमी कालीन —विशिष्ट	---		1998-05-31
45. आई एस 14571 : 1998 विद्युत मापन यंत्र —x —y रिकार्डर	---		1998-07-31
46. आई एस 14572 : 1998 अक्वोरोफार्म—सुरक्षा संहिता	---		1998-07-31
47. आई एस 14577 : 1998 जलपोतों में परिपथ वियोजकों के रटिन लघु-परिपथ क्षमता के विशेष संदर्भ में लघु-परिपथ धारा का मूल्यांकन—मार्गदर्शिका	---		1998-06-30
48. आई एस 14579 : 1998 वस्त्रादि—टेरी टावलों की अव-गोपकता ज्ञात करने की पद्धति	---		1998-07-31

(1)	(2)	(3)	(4)
19.	आई एन 14597 : 1998 कोटित नायलॉन अथवा पॉलि-एस्टर पैकिंग में निम्नित संश्लिष्ट निरूपण (भारी कार्य-संरक्षा आवरण)—विश्लिष्ट	---	1998-07-31

इन मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चेन्नई, मद्रास तथा मुम्बई और शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना, तथा विश्वनन्तपुर में बिक्री हेतु उपलब्ध हैं।

[सं. के. प्रवि./13 : 2]
जे. वैकटरामन, अपर महानिदेशक

MINISTRY OF FOOD & CONSUMER AFFAIRS
BUREAU OF INDIAN STANDARDS
New Delhi, the 15th October, 1998

S.O. 2193.—In pursuance of clause (b) of Sub-rule (1) of of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each :

SCHEDULE

Sl. No. year and Title of the Indian Standard(s) Notified	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(3)	(4)
1. IS 51:1998—Zinc chrome for paints—Specification (Fourth Revision)	IS 51:1979	1998-04-30
2. IS 1448[P:64]:1998—Methods of test for petroleum and its products [P:64] Nonvolatile matter in solvents (First Revision)	IS 1448[P:64]:72	1998-05-31
3. IS 2798:1998—Methods of test for plastics containers (First Revision)	IS 2798:1964	1998-05-31
4. IS 2804:1998—Palm grips—Specification (First Revision)	IS 2804:1964	1998-05-31
5. IS 3597:1998—Concrete pipes—Methods of test (Second Revision)	IS 3597:1985	1998-07-31
6. IS 4227:1998—Textiles—Baraided nylon cords for aerospace purposes—Specification (Second Revision)	IS 4227:1981	1098-07-31
7. IS 5095:1998—End locating plugs—Specification (First Revision)	IS 5095:1969	1998-05-31
8. IS 5316:1998—Ammonium carbonate—Specification (First Revision)	IS 5316:1969	1998-05-31
9. IS 5760:1998—Argon, compressed and liquid—Specification (Second Revision)	IS 5760:1983	1998-05-31
10. IS 6389:1998—Combination wrenches with equal openings—Specification (First Revision)	IS 6389:1989	1998-06-30
11. IS 8118:1998—Automotive vehicles—Opacity (Smoke) of exhaust gas from vehicles equipped with compression ignition engines operating under free acceleration Method of measurement (Second Revision)	IS 8118:1987	1998-07-31

(1)	(2)	(3)	(4)
12.	IS 8472:1998—Pumps—Regenerative for clear, cold water—Specification (First Revision)	IS 8472:1977	1998-08-31
13.	IS 9057:1998—Automotive vehicles—Exhaust emissions carbon monoxide concentration at idling for vehicles equipped with spark ignition engines—Method of measurement (Second Revision)	IS 9057:1986	1998-07-31
14.	IS 9335 (Part 2):1998—Cellulosic papers for electrical purposes Part 2 Methods of test (First Revision)	IS 9335 (Pt. 2):81	1998-06-30
15.	IS 9348:1998—Coupling capacitors and capacitor dividers (First Revision)	IS 9348:1979	1998-07-31
16.	IS 9401 (Part 11):1998—Methods of measurement of work in river valley projects (Dams and appurtenant structures) Part 11 Diaphragm walls (First Revision)	IS 9401(Pt. 11):90	1998-04-30
17.	IS 10407:1998—Automotive vehicles —Two wheelers—acceleration performance—Method of evaluation (Second Revision)	IS 10407:1994	1998-05-31
18.	IS 11298(Part 3/Sec 3):98—Plastic films for electrical purposes Part 3 Specifications for individual materials Section 3 requirements for balanced biaxially oriented polyethylene terephthalate (PET) films used for electrical insulation	—	1998-07-31
19.	IS 12343:1998—Agricultural tractors—Operator's seat—technical requirements (First Revision)	IS 12343:1988	1998-06-30
20.	IS 12375 (Part 5):1998—Implants for surgery—Partial and total hip joint prostheses Part 5 Determination of resistance to static load of head and neck region of stemmed femoral components	—	1998-07-31
21.	IS 12746 (Part 5/Sec 3):1998—Telecontrol equipment and systems Part 5 Transmission protocols Section 3 General structure of application data	—	1998-07-31
22.	IS 12762 (Part 3):1998—Photovoltaic devices Part 3 Measurement principles for terrestrial photovoltaic (PV) solar devices with reference spectral irradiance data	—	1998-07-31
23.	IS 14458 (Part 1):1998—Retaining wall for hill area—Guidelines Part 1 Selection of type of wall	—	1998-05-31
24.	IS 14485:1998—Recommendations for heating, ventilating and cooling of greenhouses	—	1998-06-30
25.	IS 14488:1998—Sulphited fat liquors for leather—Specification	—	1998-06-30
26.	IS 14498:1998—EP-cores made of magnetic oxides and associated parts—Dimensions	—	1998-06-30
27.	IS 14501 (Part 2):1998—Pulse techniques and apparatus Part 2 Pulse measurement and analysis, general considerations	—	1998-06-30

(1)	(2)	(3)	(4)
28.	IS 14511:1998—Automotive vehicles—Fuel injectors—Hand lever testing apparatus—Specification	—	1998-06-30
29.	IS 14517:1998—Fish processing industry—water and ice—technical requirements	—	1998-06-30
30.	IS 14526:1998—Forestry tools—plant carrier—Specification	—	1998-03-31
31.	IS 14537:1998—Polyethylene terephthalate (PET) bottles for packaging of alcoholic liquors—Specification	—	1998-05-30
32.	IS 14538 (Part 1):1998—Gaskets and packings Part 1 Composition cork—Specification	—	1998-06-30
33.	IS 14545:1998—Inland vessels—coupling winches for push tows—main dimensions	—	1998-06-30
34.	IS 14547:1998—Aircraft—electrical cables and cable harnesses—terminology	—	1998-06-30
35.	IS 14549:1998—Hexaconazole, technical—Specification	—	1998-07-31
36.	IS 14553:1998—Automotive vehicles—apparatus for the measurement of capacity (Smoke) of exhaust gas from vehicles equipped with compression ignition engines—Specification	—	1998-07-31
37.	IS 14554:1998—Automotive vehicles—exhaust emissions—apparatus for the measurement of carbon monoxide concentration from vehicles equipped with spark ignition engines at idling—Specification	—	1998-07-31
38.	IS 14556:1998—Automotive vehicles—catalytic converters for spark ignition engines—installed requirements	—	1998-07-31
39.	IS 14558:1998—Horology—primary batteries—watch batteries	—	1998-07-31
40.	IS 14559:1998—Horology—divers' watches	—	1998-07-31
41.	IS 14561:1998—Fire resisting (insulating) filling cabinets—Specification	—	1998-07-31
42.	IS 14562:1998—Fire resisting computer media protection cabinets—Specification	—	1998-06-30
43.	IS 14563 (Part 1):1998—Textiles—determination of formaldehyde Part 1 free formaldehyde	—	1998-07-31
44.	IS 14566:1998—Textile floor covering—hand-knotted silk carpets—Specification	—	1998-05-31
45.	IS 14571:1998—Electrical measuring instruments—X-Y recorders	—	1998-07-31
46.	IS 14572:1998—Chloroform—Code of safety	—	1998-07-31
47.	IS 14577:1998—Short-circuit current evaluation with special regard to rated short-circuit capacity of circuit-breakers in installations in ships—Guide	—	1998-06-30
48.	IS 14579:1998—Textiles—Method for determination of absorbancy of terry towels	—	1998-07-31
49.	IS 14597:1998—Synthetic tarpaulins (Heavy Duty protective covers) made from coated nylon or polyester fabrics—Specification	—	1998-07-31

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Madras, and Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, and Thiruvananthapuram.

[No. CMD/13:2]

J. VENKATARAMAN, Addl. Director General

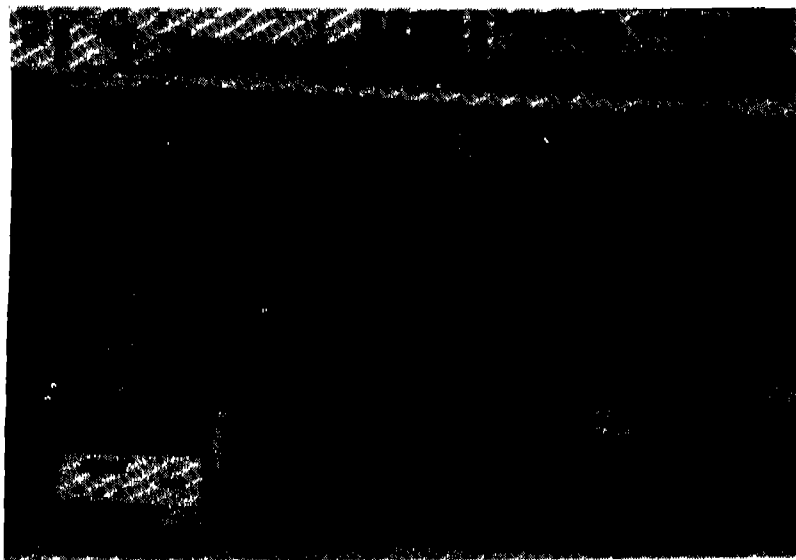
(उपभोक्ता मामले विभाग)

नई दिल्ली, 26 अक्टूबर, 1998

का. आ. 2194.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (मध्यम) यथार्थता वर्ग 3 की "एन ई ई डब्ल्यू बी 44" सिरिज टाइप के "नेसल" ब्रांड नाम वाले स्वतः सूचक गैर स्वचालित इलेक्ट्रॉनिक तुला चौकी के माडल का (जिसे इसमें इसका पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स नार्थ ईस्ट सिस्टम्स लिमिटेड, 2-2-1074/6, आम्बेरपेट, हैदराबाद-13 द्वारा किया गया है और जिसे अनुमोदन बिह्न आई. एन. डी. /09/97/02 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 40000 किलोग्राम और न्यूनतम क्षमता 100 कि. ग्राम है। सत्यापन मापमान अन्तर (ई) 5 किलोग्राम है। इसमें एक टेयर युक्ति है जिसका ध्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सेक्शन का है जिसका आकार 10×3 मी. है। प्रकाशउत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5ट/1 कि. ग्रा., 10ट/2 कि. ग्रा., 20ट/5 कि. ग्रा., 25ट/5 कि. ग्रा., 30ट/5 कि. ग्रा., 50ट/10 कि. ग्रा., 60ट/10 कि. ग्रा. और 100ट/20 कि. ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21 (1)/96]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

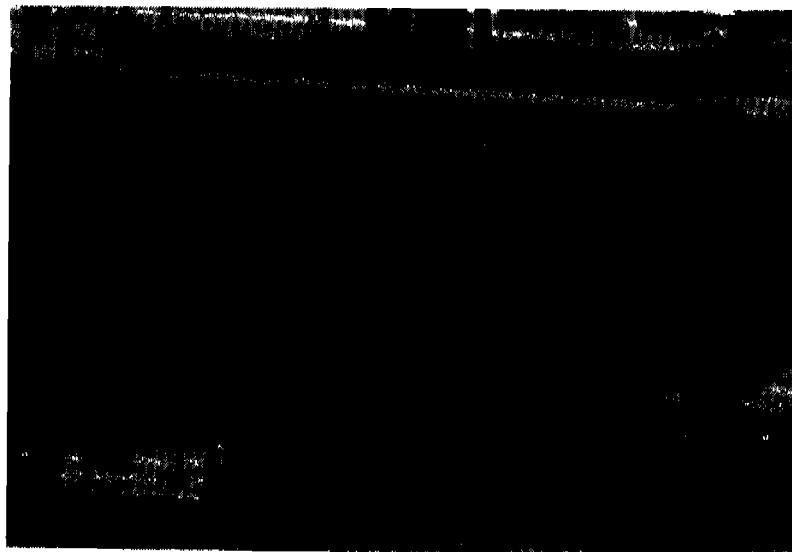
(Department of Consumer Affairs)

New Delhi, the 26th October, 1998

S.O. 2194.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the Self-indicating non-automatic electronic weighbridge of type "NEEWB 44" series of class III (Medium) accuracy with brand name "NESL" (hereinafter referred to as the Model) manufactured by M/s North East Systems Limited 2-2-1074/6 Amberpet, Hyderabad-13, and which is assigned the approval mark IND/09/97/02;

The model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 40000Kg and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 10 × 3 metre. The Led display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.

**Model**

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/1kg, 10t/2kg, 20t/5kg, 25t/5kg, 30t/5kg, 50t/10kg, 60t/10kg and 100t/20kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21 (1)/96]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 26 अक्टूबर, 1998

का. आ. 2195 .—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (मध्यम) यथार्थता वर्ग 3 की ("एन. ई. ई. सी. के." सिरिज टाइप के नेसल") ब्रांड नाम वाले स्वतः सूचक गैर स्वचालित यांत्रिक तुला चौकी का अंकीय संप्रदर्श वाले यंत्रों में रूपांतरण करने के लिए रूपांतरण किट के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मेसर्स नार्थ ईस्ट सिस्टम्स लिमिटेड, 2-2-1074/6 आम्बेरपेट, हैदराबाद-13 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. /09/97/04 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल यांत्रिक तुला चौकी पर आसंजित और परीक्षित एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 3000 किलोग्राम और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तर (ई) 500 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही खर्गाकार सेक्शन का है जिसका आकार 1×1 मी. है। प्रकाशउत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5 ट/2 कि. ग्रा., 10 ट/2 कि.ग्रा., 20 ट/5 कि.ग्रा., 25 ट/5क, 30 ट/5कि.ग्रा., 40 ट/10 कि.ग्रा., 50 ट/20 कि. ग्रा., 60ट/50 कि.ग्रा. और 100 ट /50 कि. ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं

[फा. सं. डब्ल्यू एम 21 (1)/96]

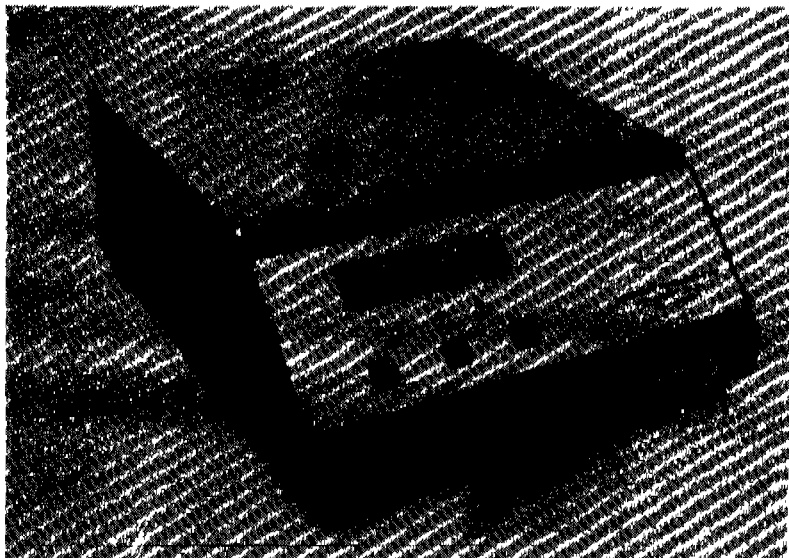
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 1998

S.O. 2195 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of a conversion kit for converting the self-indicating non-automatic mechanical weighbridge into instruments with digital display of type "NE-ECK" series of class III (Medium) accuracy with brand name "NESL" (hereinafter referred to as the Model) manufactured by M/s North East Systems Limited, 2-2-1074/6, Amberpet, Hyderabad-13, and which is assigned the approval mark IND/09/97/04;

The Model was fitted and tested on a mechanical weighbridge of medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 3000 kg and minimum capacity of 10 kg. The verification scale interval (e) is 500 g. The load receptor is of square section of size 1×1 metre, the LED display indicates the weighing result, The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Model

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5 t/2 kg, 10 t/2 kg, 20 t/5 kg, 25 t/5 kg, 30 t/5 kg, 40 t/10 kg, 50 t/20 kg, 60 t/50 kg and 100 t/50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21(1)/96]

P. A. KRISHNAMURTHI, Director, Legal Metrology

नई दिल्ली, 26 अक्टूबर, 1998

का. आ. 2196.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग 3 की "एन. ई.—एम डब्ल्यू बी 33" "सिरीज" टाईप के "नेसल" ब्रांड नाम वाले स्वतः संचक गैर-स्वचालित यांत्रिक तुला चौकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स नार्थ ईस्ट सिस्टम्स लिमिटेड, 2-2-1074/6 आम्बेरपेट, हैदराबाद-13 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/97/03 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 कि. ग्राम है। सत्यापन मापमान अन्तर (ई) 5 कि. ग्र. है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सेक्शन का है जिसका आकार 9×3 मी. है। यह सरकवां प्वाज वाली स्टीलयार्ड तोल परिणाम उपदर्शित करता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5ट/2 कि. ग्र., 10ट/2 कि.ग्र., 20ट/5 कि.ग्र., 25ट/5 कि.ग्र., 40ट/10 कि.ग्र., 50 ट/10 कि. ग्र. और 60ट/50 कि.ग्र. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है।

[फा. सं. डब्ल्यू एम. 21 (1)/96]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th October, 1998

S.O. 2196 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic mechanical weighbridge of type "NE-MWB 33" series of class III (Medium) accuracy with brand name "NESL" (hereinafter referred to as the Model) manufactured by M/s North East Systems Limited, 2-2-1074/6, Amberpet, Hyderabad-13, and which is assigned the approval mark IND/09/97/03;

The Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. The load receptor is of rectangular section of size 9×3 metre. The steelyard with sliding poise indicates the weighing result.



Figure

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/2kg, 10t/2kg, 20t/5kg, 25t/5kg, 40t/10kg, 50t/20kg and 60t/50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21 (1)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

खाद्य और उपभोक्ता मामले मंत्रालय

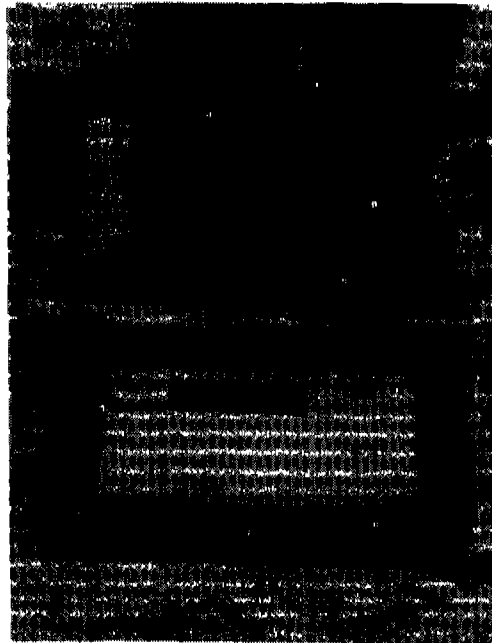
(उपभोक्ता मामले विभाग)

नई दिल्ली, 28 अक्टूबर, 1998

का. आ. 2197.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरल उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाले टाईप “एस बी पी टी” श्रृंखला के स्वतः सूचक, गैर स्वचालित इलेक्ट्रानिक टेबल टाप तुला मशीन के माडल का जिसका ब्राण्ड नाम “घन स्केल” है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स शिवानी इलेक्ट्रानिक्स सागर अपार्टमेंट, पार्ट II, समीप विजयन्त फ्लैट्स, मनिआसा सोसाइटी, मनिनगर, अहमदाबाद, गुजरात द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी.09-98-26 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) तुला यंत्र है, जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। इसमें एक आधेतुलन युक्त है जिसका शतप्रतिशत व्यवकलात्मक धारित प्रभाव है। उद्भार ग्राही वर्गाकार है जिसकी भुजाएं 250 × 250 मिलीमीटर है। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

**आकृति**

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले अधिकतम क्षमता वाले तुलन यंत्र भी हैं जिनके सत्यापन मापमान अंतराल की अधिकतम संख्या (एन) 10,000 से कम या समतुल्य है (एन ≤ 10,000) और इ मूल्य 1, 2, 5 श्रृंखला का है।

[फा. सं. डब्ल्यू एम 21 (27)/95]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF FOOD AND CONSUMER AFFAIRS**(Department of Consumer Affairs)**

New Delhi, the 28th October, 1998

S.O. 2197 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic table top weighing machine of type "SV-PT" series of class III accuracy (Medium accuracy) and with brand name "SUN-SCALE" (hereinafter referred to as the Model) manufactured by M/s Shivani Electronics, Sagar Apartment, Part-II, Near Vijayant Flats, Maniasa Society, Maninagar, Ahmedabad, Gujarat, and which is assigned the approval mark IND/09/98/26;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section of side 250×250 millimeter. The LED display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Model

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value to 1, 2, 5 series manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21 (27)/95]

P. A. KRISHNAMOORTHY, Director Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 5 अक्टूबर, 1998

का.आ.2198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया बिल्डी के प्रबन्धन के संश्लेष नियोजनो और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-98 को प्राप्त हुआ था।

[स एल-12012/12/93-आई.आर. (बी-1)]
के.वी.बी. उन्नी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 5th October, 1998

S.O. 2198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Delhi and their workman, which was received by the Central Government on the 30-9-1998.

[No. L-12012/12/93-IR (B-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: NEW DELHI
I. D. No. 32/93

In the matter of dispute :

BETWEEN

Shri Roop Kumar Trikha through
Deputy General Secretary,
State Bank of India Staff Association,
E-314, Greater Kailash-I,
New Delhi-110048.

Versus

Deputy General Manager,
State Bank of India,
Chandni Chowk,
Delhi-110006.

APPEARANCES :

Shri S. K. Patney for the Union.

Shri A. K. Baheti for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/12/93-IR (B-I) dated 23-3-1993, has referred the following industrial dispute to this Tribunal for adjudication :
2793 GI/98—10.

"Whether the action of the management of State Bank of India in transferring Shri Roop Kumar Trikha, Clerk, from Chandni Chowk Branch to Shakurpur Branch was fair and justified? If not, to what relief the workman is entitled to?"

2. The concerned workman, Shri R. K. Trikha, was posted as Clerk at Bank's Chandni Chowk Branch, Delhi in Accounts Division. On 7-11-89, he was transferred to C & I Division of Chandni Chowk Branch. On 19-12-91 he was further transferred to Bank's Shakurpur Branch, Delhi. Aggrieved with this transfer of the concerned workman from Chandni Chowk Branch, Delhi to Shakurpur Branch, Delhi, the Union has raised the present industrial dispute.

3. It is stated by the Union that the concerned workman was the elected Assistant Secretary and a delegate of the Association's Unit at the Chandni Chowk Branch. As per constitution of the Union, the delegates, elect the Circle Office Bearers of the Association, who ultimately control the affairs of the Union at the circle level. The said Shri Trikha was the important Association functionary/representative of the Union at Chandni Chowk Branch. He was also Secretary of the S.B.I. Workers Co-op. Thrift and Credits Society with Registered Office at Chandni Chowk Branch, Delhi of State Bank of India. The said society is having more than 1500 members.

4. The Union has challenged the aforementioned transfer of the concerned workman from Chandni Chowk Branch to Shakurpur Branch. Inter alia, on the ground that the same is against the settled transfer policy, which is in force in the State Bank of India. According to the said transfer policy, the concerned workman was transferred from Accounts Division to C & I Division of the Chandni Chowk Branch on 7-11-89, and he could not be further transferred before expiry of 5 years. It is further stated that as per the service conditions applicable to the employees of clerical cadre, transfers are effected in the Bank for the following reasons :—

- (a) On own request.
- (b) After the employee has completed 5 years stay in a division/department (at the branches headed by Deputy General Managers and or Administrative Officers).
- (c) For re-deployment of surplus staff.
- (d) For misconduct.

5. It is contended that the said Shri Trikha was not transferred on any of the above grounds. The transfer policy has been annexed as Annexure-I with the statement of claim by the union, which has not been disputed by the management.

6. The contention of the management is that the transfer of the said Shri Trikha from Chandni Chowk Branch to Shakurpur Branch was on administrative grounds. In their preliminary objections, the management have contended that the present dispute is an individual dispute and that the present case is barred by resjudicata.

7. The management have filed 5 documents and have not examined any witness.

8. The Union has filed 12 documents and has also not examined any witness.

9. I have heard the representatives of both the parties and have gone through the documentary evidence on record.

10. Before I proceed further, it is pertinent to mention that during the proceedings held on 21-2-94 in the instant case, both the parties, stated that no oral evidence was required to be led by either party and accordingly the matter could be dealt according to the documents filed or to be filed by the parties by the next date of hearing.

11. Before I proceed to go into the merits of the present case, I would like to decide the preliminary objections raised by the management in their written statement.

12. From the evidence on record before me, I do not find any force in the preliminary objections raised by the management. The dispute under reference, is very well falls under Section 2(k) of the I.D. Act, 1947, as it is related to the service conditions between the management and the Union in regard to the transfer in question resented to and duly espoused by the contesting Union. There is no evidence on record indicating that the contesting union was not competent to espouse the present matter. Such a dispute cannot be termed as individual dispute.

13. I also do not find any force in the preliminary objection of the management that the present case is barred by res judicata. Annexure-8 to the Rejoinder of the Union, is related to the operative part of the order, dated 31-10-91 passed by Miss, Ravindra Kaur, Hon'ble Sub Judge Ist Class, Delhi, in Civil Suit No. 368/91, whereby Application of the concerned workman for grant of injunction, simply was dismissed specifically mentioning that any expression of opinion therein, would not affect the merit of the case. It is also an undisputed fact on record that the suit filed earlier by the concerned workman, had been dismissed as withdrawn together with appeal preferred against the said order dated 31-10-91.

14. Now let me examine the merits of present case.

15. I have perused Annexure-1 of the statement of claim, which contains the settled transfer policy in regard to clerical staff. The said annexure has been admitted by the management relevant para whereof, is reproduced as under :—

“At the branches headed by Chief Managers and at the Administrative Officers, inter-divisional and inter-departmental changes will be deemed to be transfers under this policy. The number of employees transferred at a time from an Office may normally not exceed 10 to 20 per cent of the total strength of the cadre at that office.”

16. It has been further provided in the aforementioned transfer policy that the Central/Working/Executive Committee members of the Circle Award Staff Union and their Local Unit Secretaries at the branches need not be subjected to transfer under this policy for the present. The position in this regard will be reviewed later. Whether this position was later reviewed, is not on record.

17. Annexure-6 to the statement of claim, is the order of transfer dated 19-12-91 addressed to the concerned workman affecting his transfer from Chandni Chowk Branch to Shakurpur Branch, which although mentions that the said transfer had been affected on administrative grounds, but the administrative grounds have not been disclosed by the management. Unless the administrative grounds are disclosed or explained, simple mentioning the words—“administrative grounds”, is not enough, more so, when the transfer order is challenged on ground of malafide. It has also not been denied by the management that the concerned workman was the elected Assistant Secretary and the delegate of the Association's unit at the Chandni Chowk Branch.

18. Thus, from the evidence on record, it is established that the concerned workman was transferred on 7-11-89 from Accounts Division to C & J Division at the Chandni Chowk Branch, which is headed by the Deputy General Manager, higher in rank and status than that of the Chief Manager. Therefore, as per settled transfer policy, his transfer could not have been affected before expiry of 5 years from the date of his previous transfer. The transfer effected on 19-12-91, therefore, was in violation of the aforementioned provision in transfer policy in vogue in the Bank.

19. It has also not been disputed by the management that at the time of his transfer to Shakurpur Branch, the concerned workman was the Assistant Secretary and a delegate of the association's unit at the Chandni Chowk branch. The provision in the transfer policy on record puts restriction in respect of transfer of those Award Staff, who are active members of the Union, even at the branch

level). Therefore, on this score also the transfer of the concerned workman in question, was in violation of the Bank's transfer policy without justified ground.

20. In view of the established facts on record, and the relative provisions of the settled transfer policy discussed here-in-before, transfer order dated 19-12-1991 cannot be held to be fair and justified, and the same is set aside and quashed.

21. Hence my award is that the action of the management of the State Bank of India in transferring Shri Roop Kumar Trikha, Clerk, from Chandni Chowk Branch to Shakurpur Branch, was not fair and justified, as a result of which the concerned workman is entitled to all consequential benefits including wages, which would have accrued to him, had he not been so transferred from Chandni Chowk Branch to Shakurpur Branch.

22. Award is given accordingly.

25th September, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1998

का. प्र. 2199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद जो केन्द्रीय सरकार औद्योगिक अधिकरण, विशाखापटनम के पंचाट की प्रकाशित करती है, या केन्द्रीय सरकार को 7-10-98 को प्राप्त हुआ था।

[सं. एल-34011/1494-आई.आर. (विविध)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1998

S.O. 2199.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vishakhapatnam Port Trust and their workman, which was received by the Central Government on the 7-10-98.

[No. L-34011/494-IR (Misc.)]
K. V. B. UNNY, Desk Officer
ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, VISAKHAPATNAM
PRESENT :

Shri K. Satyanand, B.Sc., LL.M.,
Chairman & Presiding Officer.

Friday, the 4th day of September, 1998

J.T.I.D. No. (C6) 95

BETWEEN

M.V. Rao,
C/o. The General Secretary,
Vishakhapatnam Port Employers Union

(NMS),
Visakhapatnam-35.

... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,

Visakhapatnam.

... Management

This dispute coming on the final hearing before me in the presence of Sri S. V. S. Prasada Rao, advocate for workman and Sri B. Gowri Shaunkara Raju and Sri N. Sanni Babu, advocates for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

1. This is an industrial dispute that came for adjudication to this tribunal on a reference made by the Central Government which framed the terms of reference as under :

"Whether the action of management of Visakhapatnam Port Trust in reverting Sri M. V. Rao, MM Gr-I (Sr.) by promoting Sri S. Appala Raju, MM. Gr. II (Junior) on the ground that Sri S. Appala Raju though junior was earlier promoted as MM Gr. I in regular vacancy for a short period as he passed the trade test ? If not, to what relief the workman concerned is entitled to ?"

The facts which are mostly admitted, as called but from the claim statements filed by both parties are briefly as follows : The disputing workman by name M.V. Rao was a senior to another workman by name Appala Raju in the post of motor mechanic Gr-II. Both of them along with others, appeared for trade test a requisite for promotion to the post of MM Gr-I in June, 1982. Appala Raju passed the test while Veerabhadra Rao failed. Then the said Appala Raju was promoted to the post of MM Gr-I only for a period of 3 months between 14-6-82 to 13-9-82. After the expiry of the said three months that Appala Raju was reverted to the post of MM Gr-II. Even after this development the inter-se seniority that was existing prior to the promotion of Appala Raju was kept in tact with Veerabhadra Rao shown as a senior to Appala Raju. Soon in the month of October, 1982 Veerabhadra Rao also passed the trade test. As Veerabhadra Rao remained senior to Appala Raju on 31-10-92 the workman Veerabhadra Rao was promoted to the post of MM Gr-I on regular basis after passing through the departmental promotion and obviously after passing the requisite trade

test. By the date of such promotion of Veerabhadra Rao to the post of MM Grade-I Appala Raju was working as MM Grade-II only. While things stood thus, the management all of a sudden reverted Veerabhadra Rao to the post of MM Gr-II on 18-1-93 and promoted Appala Raju obviously overlooking the seniority of Veerabhadra Rao. It is also the complaint of the workman that the management did not give him any notice for effecting his demotion as described above. This demotion led to this dispute. The workman cited another example as to how the seniority another MM Gr-II was kept up all through by referring to the cases of promotion in 1984 of Sri P. S. Naidu and Sri M. Venkata Rao who remained seniors to not only M. Veerabhadra Rao but also S. Appala Raju but who also failed in the trade test along with M. Veerabhadra Rao. In other words the workman complained that the qualification acquired by S. Appala Raju and the short stint of his promotion to the post of Gr-I were ignored in preference to the seniority as far back as in the year 1984. According to workman, the promotion of Sri Appala Raju in 1982 for a period of 3 months was merely an adhoc promotion and that short spell of promotion did not alter the seniority even according to management. He complained that strangely this precedent was given a go by that too after promoting him in terms of that precedent and without giving him notice before reverting him. The management on the other hand, even while admitting that Appala Raju was junior to M. Veerabhadra Rao in the category of MM Gr-II harped upon the circumstance that Appala Raju passed the trade test earlier than M. Veerabhadra Rao and he had also put in three months of service though years ago and that the management by over sight promoted M. Veerabhadra Rao instead of Appala Raju. The management also came up with a story that in the case of the other two persons namely M. Venkata Rao and P. S. Naidu, they were given promotion following the seniority as they had put in more than 8 years service and their case was treated under a special scheme.

2. Heard both sides.

3. The points that arise for consideration are :

(1) Whether the reversion of M. Veerabhadra Rao only for the purpose of promoting Appala Raju is justified or not ?

(2) If not to what relief ?

4. Point No. 1 : As already narrated, the facts in this case are virtually beyond controversy. The very fact that Appala Raju came to be reverted after a span of three months of promotion is proof positive of the fact that it was an adhoc appointment notwithstanding the assertion of the management to the contrary without any basis. Therefore

once Appala Raju was reverted and was given a place below Veerabhadra Rao in the seniority list as admitted by the management, the seniority ought to have been given weight at the time of the arising of the regular vacancy as by the date of arising of regular vacancy on 31-10-92 both Veerabhadra Rao as also Appala Raju acquired the requisite qualification. In addition Veerabhadra Rao's seniority remained in tact by them. But strangely the management has taken two irrelevant points into consideration. They are the acquisition of trade test qualification by Appala Raju earlier than Veerabhadra Rao by few months and a short stint of Appala Raju in the superior post years ago. If really they wanted to give weight to those two aspects they ought to have made corresponding changes in a tentative or provisional seniority list, called for objections heard both sides and finalised the seniority list altering the interse seniority between workman and the Appala Raju if really the relative rules permit. But there is an implicit of tacit commitment on the part of the management that they never intended to disturb the seniority of the workman. That means there were no grounds even according to management to alter the seniority and put Appala Raju overhead Veerabhadra Rao. Perhaps due to this consciousness they rightly promoted Veerabhadra Rao to the post of MM Gr-I. The worst part of the story is the management reverting the workman obviously without even giving notice to M. Veerabhadra Rao which in itself is a flagrant violation of the principles of natural justice. Thus, the reversion of M. Veerabhadra Rao is totally unjustified.

5. In this case by way of abundant caution and in order to afford an opportunity to the third party a notice was issued to the said Appala Raju and his case too was advocated by the advocate for the management. The third party who was benefited by the impugned order could not add any thing to what the management urged in vain.

6. Point No. 1 : In view of the findings supra the order reverting M. Veerabhadra Rao, the workman herein, is quashed and the management is directed to restore status quo in his favour obtaining as on 18-1-93 and release all the benefits in the wake of such restoration. The management is however advised to keep in tact the promotion of Appala Raju as well but obly as a junior to the workman Mr. M. Veerabhadra Rao. The management is further directed to pay to the workman costs in a sum Rs. 500/- (Rupees five hundred only). The reference is answered accordingly. Dictated to steno transcribed by her given under my hand and seal of the court this the 4th day of September, 1998.

APPENDIX OF EVIDENCE IN I.T.I.D. NO. (8) 6/95

WITNESSES EXAMINED :

For Workman : WW1 : A. B. Ramam.

For Management : MW1 : B. Rama Rao.

Documents Marked for Workman: NIL.

Documents Marked for Management :

Ex. M1 : 16-2-82 : Record of grade test relating to M.V. Rao.

Ex. M2 : 14-6-82 : Record of grade test relating to S. Appala Raju.

नई दिल्ली, 7 अक्टूबर, 1998

का.ग्रा. 2200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं.-I, मुम्बई के पंचाद के भाग I और II को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-10-98 को प्राप्त हुआ था।

[सं. एल-31012/4/93-आई. ग्रा. (बिबिध)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1998

S.O. 2200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Part I & II Award of the Central Government Industrial Tribunal No. I, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which was received by the Central Government on 7-10-98.

[No. I-31012/4/93-IR(Misc.)]
K. V. B. UNNY, Desk Officer

ANNEXURE-I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
REFERENCE NO. CGIT 18 OF 1994

PARTIES :

Employers in relation to the management of Bombay
Port Trust.

AND

Their Workmen

APPEARANCES :

For the Management : Shri M. B. Anchan, Advocate.
For the Workman : Shri S. R. Wagh, Advocate

STATE : Maharashtra.

Mumbai, dated the sixth day of August, 1997

AWARD

1. The appropriate government has referred the following dispute for adjudication to this Tribunal vide reference order dated 01-3-1994.

"Whether the action of the management of Bombay Port Trust in dismissing the services of S Shri Babu Babu

Dadas and Vijay Kumar Maghji Bhadracha 'B' category Mazdoors, Docks Department w.e.f. 12-6-1989 is legal and justified? If not what relief the workmen are entitled to?"

2. The workmen filed the statement of claim through the concerned Union on 29-9-95. The Management filed its written statement on 02-5-96. The Union prayed for time to file rejoinder and was granted the same. However, on 28-11-96 learned counsel for the Union stated that he did not want to file a rejoinder. He further stated that "He does not challenge the legality, fairness and propriety of enquiry but he wants to argue the matter on the question of perversity of the findings of the Enquiry Officer and whether charges have been established on basis of legal acceptable evidence at enquiry."

2. Briefly stated the case of the Management is that the two workmen Sh. Babu Babu Dadas and Sh. Vijay Kumar Maghji were 'B' category Mazdoors in the Traffic Department of the Bombay Port Trust. On May, 30, 1986 both of them were apprehended by Assistant Security Officer Mr. D.K.K. Shaikh, while carrying T.V. components in their hand-bags. The incident is said to have taken place at about 3.50 p.m. Mr. Shaikh, after apprehending the two workmen checked their 'Rexine' bags which contained some plastic bags wherein T.V. components were concealed. Mr. Shaikh took both workmen to Shri C.A. Mendis, Shed Superintendent, 12-B Indira Dock. Shri Shaikh thereafter informed the Yellow gate police station the same day on telephone. The telephonic message was received by Shri P. S. Boparai, Sub-Inspector, Yellow Gate Police Station. Upon receiving the information Shri Boparai alongwith police personnel rushed to 12-B Indira Dock and saw Mr. Shaikh and Mr. Mendis with the two workmen. Mr. Shaikh called two panchas namely Shri George B. Miranda and Shri Abdul Gaffur and in their presence Mr. Boparai took search of the two workmen. Shri Vijay Kumar Bhadracha was found carrying one brown colour 'rexine' bag which on search was found to contain one plastic packet containing small components of T.V. bearing certain markings namely 5322, 47 KB. Another plastic packet was also found which contained 99 other small components bearing marks 473-K 400 SS. The third plastic bag contained 100 small brown colour components with markings 473-K 400 SS. On search of these workmen an identity card belonging to the workman bearing No. 84165 was found.

3. So far as Shri Babu Babu Dadas was concerned he was holding one black colour rexine bag and the bag on being checked was found to contain one plastic packet containing 500 pieces of small components. They have three pins bearing No. 5322 47 KB. His personal search was also taken, upon which one plastic packet containing 55 components bearing mark 474K 100 SSC were found in his pant pocket. His B.P.T. Identity card No. 84166 was also found.

4. It is stated that Mr. Boparai took possession of the aforesaid property and he alongwith the Shed Superintendent searched the shed when one carton bearing markings as mentioned above was found broken on opening, it was found to contain two bags and in one bag only one plastic components having three pins and bearing marks as 5322 47 KB were found. The other bag was found containing one packet having brown colour components bearing marking as 474 K 100 SSC. The said carton was also taken into charge by Mr. Boparai and the panchama was prepared in this regard. A First Information Report as also lodged in this regard and investigation was commenced.

5. The case of the management is that the two workmen were found in possession of stolen property pilfered from the Cargo stacked in 12-B Indira Dock and thus they committed grave misconduct. They were duly charge sheeted; an Enquiry Officer was appointed who conducted a domestic enquiry at which management examined its witnesses. The witnesses of the management were cross-examined in details on behalf of the workmen. The two workmen led evidence in defence and after hearing both the sides the Enquiry Officer found the workmen guilty of the aforesaid charge. The disciplinary authority agreed with the findings of the Enquiry Officer and after due show cause notice imposed the penalty of dismissal upon the two workmen. Both the workmen preferred appeals against the orders of dismissal to the Chairman, but appeals were also dismissed.

6. It appears that meanwhile the Police also put up a charge sheet against the two workmen in the Court of Additional Chief Metropolitan Magistrate, 30th Court, Ballard Estate, Bombay being case No. 3/P of 1990. The State V/s. Vijay Meghji Bhadracha and others. The criminal trial ended in the acquittal of the workmen from the said charge of theft of property belonging to the Docks vide judgment dated 12-6-89.

7. As stated already, the learned Counsel for the Union has not challenged the legality, fairness and propriety of the domestic enquiry held against the workmen. However, he seriously contests the findings of the Enquiry Officer and the disciplinary authority regarding the guilt of the workmen and has submitted that the evidence placed before the Enquiry Officer was full of discrepancies, unreliable and unworthy of credence. The material witnesses were found to be unreliable at the criminal trial by the Metropolitan Magistrate and therefore the workmen ought to have been exonerated of the charges levelled against them by the Enquiry Officer. It is submitted that the findings of the Enquiry Officer are perverse and are not based on any legal acceptable evidence.

8. As against this, the learned counsel for the management submits that the acquittal of the two workmen by the learned Metropolitan Magistrate is founded upon specious reasonings and flimsy grounds and the finding of the Enquiry Officer is based upon a correct and proper evaluation of the evidence led at the domestic enquiry and therefore this tribunal should uphold the finding of guilt recorded by the Enquiry Officer as affirmed by the disciplinary authority and the Chairman of the Bombay Port Trust in an appeal by the workmen. It is submitted that the punishment upon the workmen was just and proper in the circumstance of the case and does not need any interference.

9. I have heard the learned counsel for the parties and have carefully examined the record.

10. This is correct that the Learned Magistrate in the criminal trial against the two workmen acquitted them of offence under section 381 IPC read with 114 of the IPC vide judgment dated 15-6-90. This is also correct that the prosecution before the learned Metropolitan Magistrate pertained to this very incident dated May 30, 1986. At the criminal trial, the prosecution examined in all 3 witnesses namely Shri D.K. Shaikh, Shri George P. Miranda and Shri P. Boparai. The Learned Magistrate choose to disregard the evidence of the Panch witnesses on the ground that he was not an independent person. He made a passing remark that Employees of the B.P.T. have a tendency to side with the B.P.T. with which they work. On this ground he discarded the evidence of Mr. D. K. Shaikh and Mr. Miranda. The Learned Magistrate was also influenced by the fact that the Carton from which the goods are said to have been pilfered was not seized by the police and the details regarding missing articles from the carton were not mentioned in the panchnama. He was also influenced by the fact that the Police Officer who seized the allegedly stolen goods from the possession of the two workmen were not sealed or labelled in presence of the panch witnesses. Upon such premises, he came to the conclusion that there was no reliable evidence on record which could convince the court that the accused had committed theft of the property in question from the concerned shed of the Indira Dock. He accordingly acquitted both the workmen.

11. I may here state that At a domestic enquiry the standard of proof is different from that in a criminal case. In a domestic enquiry the charges are not required to be proved to the hilt. It is sufficient, if on preponderance of probabilities the charge is made out.

12. In the present case the judgment of the Learned Magistrate does deserve to be given due weight. However, it shows that he had chosen to discard the evidence of the prosecution witnesses not on merits but on technical and hyper technical grounds. Thus the judgment of the Learned Magistrate is not of much avail to the two workmen and I shall have to examine if the finding of the guilt recorded by the Enquiry Officer and affirmed by the disciplinary authority, is based on legal and acceptable evidence.

13. To my mind the decision of the criminal Court in this case does not and cannot operate as res-judicata in the present

Industrial adjudication. Under section 11-A of the Industrial Disputes Act this tribunal may interfere only when it is satisfied that the order of dismissal was not justified. Section 11-A of the Industrial Disputes Act reads as follows :

"11-A Power of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen.—

Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award or any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require :

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter." (emphasis supplied).

14. I may also state that the technical rules contained in the Indian Evidence Act do not apply to domestic enquiries and also do not apply to the adjudicatory proceedings and what may be and what may not be acceptable or proper evidence before a Criminal Court, may yet be acceptable and proper evidence before the domestic enquiry forum, as also before this Tribunal.

15. I may also state that this tribunal does not sit in appeal on the judgment of the disciplinary authority and it would not lightly upset the findings of the Enquiry Authority affirmed by the disciplinary Authority, unless it has been shown that the finding was not based on proper and acceptable evidence. It would be in this background that I shall have to examine the evidence adduced during the course of domestic enquiry.

16. At the domestic enquiry the department examined Shri D. K. K. Shaikh, Shri C.A. Mendis, Shri C. N. Godinho, Shri G. V. Miranda, Shri V. D. Deshpande and Shri P.S. Boparai.

17. The case of the workmen appears to be that Mr. Shaikh checked their bags but found nothing. He then compelled the two workmen to pick up the plastic bags lying nearby and keep them in their rexin bags. On refusal of the workmen to do so Mr. Shaikh caught the workmen and forcibly put the plastic bags in the rexin bags of the workmen and thereafter the police was called and panchnama was got prepared. They further alleged that the panchas were not present when the panchnama was drafted. In the domestic enquiry in support of their aforesaid defence the workmen have examined themselves and have also examined Shri R. G. Jawke and Shri N. V. Nagawade.

18. Learned Counsel for the Union pointed out to me certain discrepancies appearing in the testimony of the departmental witnesses. He also pointed out certain contradictions among the depositions of the various witnesses. I have to see if the discrepancies and the contradictions, upon which learned counsel for the Union relies, are sufficient to throw out the testimony of the management witnesses, who were found to be reliable by the Enquiry Officer.

19. The gist of the testimony of Shri D. K. Shaikh is that on 13-5-1986 he was posted in the Docks as Assistant Security Officer and he was on duty from 1600 Hrs. to 12 midnight in the second shift. He has stated that soon after resuming duty at Zonal Office, he left on foot and reached 12-A Indira Dock at about 4.10 p.m. At that time, he noticed 4/5 people sitting on Gate No. 5 in a verandah (rear side of 12-A Indira Dock). He also noticed that they were keeping some plastic bags containing some cargo in

their personal rexin bags he was hardly at a distance of 5 feet away from them. Since he was in plain clothes the culprits ignored him. At this, he suddenly jumped up and caught two of them namely the present workmen. The other person fled away from the place. According to him, the two workmen had 'rexine' bags with them. He took the two workmen to the Shed Superintendent (C. A. Mendis) with their bags. On enquiry the two workmen revealed that they were B.P.T. employees. They were asked to submit their passes, which they did.

20. The testimony of Mr. Shaikh is that he called a Police constable posted nearby and asked him to look after the two workmen till legal action was taken. Thereafter, a message was sent to Yellow Gate Police Station. After some time, the Police Inspector alongwith police constable came to the shed. The Police Inspector called Panchas from nearby and then the rexin bags and the pockets of the two workmen were searched. He has stated that the search of the two workmen was made in presence of the two panchas. Some electronic parts, sealed in plastic bags were recovered from their hand bags and also some plastic bags similar in size were recovered from the pant pocket of Mr. B. B. Dadas. The Police Sub-Inspector then prepared the panchnama and took charge of the property and took the two workmen to the Yellow Gate Police Station. A First Information Report was recorded in this regard. The witness was subjected to lengthy cross examination and it was put to him that he had asked Mr. B. B. Dadas and Mr. Bhadracha to pick up certain things lying on the ground but they refused to do it upon which he slapped Mr. Bhadracha and forced Mr. Bhadracha and Mr. B. B. Dadas to put these things in their bags. He has denied the story and has denied the suggestion that he had tried to implicate the two workmen falsely in the matter.

21. It does not appear that Mr. D. K. Shaikh had any previous animosity with the two workmen and hence it is surprising why he will try to implicate the two workmen falsely. The tenor of cross examination shows that rexin bags did contain incriminating articles but the two workmen were forced to keep them in their bags. The story is altogether unreliable and unbelievable and I have no reason to doubt the statement of Mr. D. K. Shaikh so far as the basic substratum of his evidence is concerned. Mr. Mendis who was the Shed Superintendent on the relevant date has confirmed the story given by Mr. D. K. Shaikh and has stated that Mr. Shaikh had brought the two workmen to him. He has also confirmed the fact that Police was called and two panchas were called and a panchnama was prepared. Incriminating articles were recovered from the possession of the two workmen and the two workmen pointed out the barricade at the Shed No. 12-B Indira Dock from where they have been picked up with incriminating articles. According to him he had checked the carton from which the two workmen have said to be pilfered the articles. This witness has confirmed the fact that the Police on arrival prepared panchnama in the presence of the two panch witnesses. He was also subjected to detailed cross-examination but nothing has been elicited in the cross examination which may go to discredit the testimony of this witness. The story that Mr. Shaikh had forced the two workmen to put the incriminating articles in their rexin bags was not put to Mr. Mendis. Had it been true it is quite natural that the two workmen would have immediately complained to Mr. Mendis who was Shed Superintendent that Mr. D. K. Shaikh has forced the two workmen to place the incriminating articles in their rexin bags. Such a line of cross examination has not been adopted during the testimony of Mr. Mendis.

22. PW 3 Shri C. N. Godneho was Assistant Shed Superintendent on the relevant date. He confirms that he had heard some commotion and saw Mr. Shaikh bringing the two workmen to the Shed Superintendent. He states that Mr. Shaikh informed the Shed Superintendent that he had caught the two workmen inside the Shed or suspicion that they were carrying some material in their bags. The witness further stated that the two workmen were having 'rexine' bags in their hands and the bags were placed on the table of the Shed Superintendent and after police arrived in the scene, bags were opened and some electronic items were found. Thereafter police prepared the panchnama. He has further stated that one of the

workmen had a packet in his pant pocket which was also seized by the police. He has further stated that the workmen showed the place from where the workmen had taken the said material. This witness confirmed that he had made a statement to the police earlier namely Exhibit '3'. This witness was also subjected to a detailed cross-examination. Minor discrepancies and contradictions appeared in his testimony but they are not of a nature which may go to discredit him, so far as the basic substratum of his testimony is concerned.

23. The next witness of the management is Shri Miranda PW-4. He has stated that the two workmen were on duty at the Docks for warehousing programme and were members of Gang No. 173 which consists of 13 members in all. He has stated that at about 3.55 p.m. he saw Shri Shaikh, Asstt. Security Officer alongwith the two workmen standing near the Shed Superintendent table. Shri Shaikh informed the Shed Superintendent that he suspected that the two workmen has concealed something in their bags. Mr. Shaikh informed the Shed Superintendent that he is going to call the police. This witness states that thereafter Shri Bhoparai, Sub-Inspector of Police, arrived at the spot and prepared a panchnama in his presence. He has spoken about recovery of 3 packets containing electronic components from the brown 'rexine' bag of Mr. Bhadracha and recovered one packet of electronic component from 'rexine' bag of Shri Dadas. He has further confirmed that the person of the two workmen had been searched and identity cards belonging to them were recovered and from the pocket of Shri Dadas another plastic bag was recovered. He has further stated that the seized goods pertained to a carton which was found torn and the carton was thereafter handed over to the Shed Superintendent for safe custody. He has stated that he attested the panchnama exhibit '4' and had also given a statement to the Vigilance Officer. This witness was also subjected to detained cross examination. In cross-examination this witness confirmed that the two workmen had stolen the bags from where they have picked up the packets. This witness were confronted by the statement made to the Police wherein he had stated that he alongwith police had checked the Shed and when one carton bearing marks was found broken. The witness has stated that he had not checked the Shed. It was suggested to the witness that the two workmen did not commit the theft and it was hoisted (sic) on them by the Asstt. Security Officer. In answer to the question the witnesses stated that he had nothing to say.

24. The next witness of the Management is Shri V. D. Deshpande, Vigilance Officer. This witness did not see the incident but is said to have made an investigation into the matter. This witness had recorded the statements of witnesses of the management as also the statements of the two workmen. Exhibit 6 and Exhibit 7. The evidence of this witness is not very material for deciding the case.

25. The next witness is Shri P. S. Bhoparai, Police Sub-Inspector who is said to have reached the scene of incident after receiving a telephonic message from the Zonal Security Office that two B.P.T. employees have been detained by Security Officer, Shri D. Shaikh at 12-B Indira Dock. This witness states that he went alongwith his staff and he found the two workmen present at 12-B Indira Docks alongwith Mr. Shaikh and Mr. Mendis. Mr. Shaikh told the witness that the workmen had been found with some B.P.T. property with them. The witness states that he called two panchas and in their presence, made a personal search of the two workmen and recovered incriminating articles from the two workmen including their identity cards. The incriminating articles were found in the respective 'rexine' bags of two workmen as also one packet of incriminating articles was found in the pocket of Mr. Dadas. According to this witness Shri Shaikh and both the workmen searched the Shed and one broken carton was found containing similar components. The witness states that he took charge of both the workmen as also the property seized from them and prepared panchnama. He thereafter recorded statements of the witnesses. He claims to have drawn the First Information Report in the matter. A suggestion was put to him that the incriminating property was found lying in the table of the Shed Superintendent. He had denied the same. It was suggested to him that he did not make any personal search of the two workmen. He

has denied this suggestion also. It was suggested to him that he had called the panch witness after completing the panchnama, he has denied this suggestion also.

26. The theory that the incriminating articles were forcibly put by Mr. Shaikh in the 'revine' bags of the two workmen was not suggested to this witness at all. Had there been any element of truth in the defence theory then it was natural to expect that the two workmen would have complained to Mr. Bhoparai in this regard. There is nothing to suggest that the two workmen made any such complaints to Mr. Bhoparai who had reached the scene of occurrence soon afterwards.

27. Learned Counsel for the workmen vehemently alleged that Security Officers of the B.P.T. are assigned targets each year for recovery of stolen property and arresting culprits. Hence, to meet such targets false case are usually made by the B.P.T. Security Officers in connivance and collusion with the police. It is also alleged that the Official of the B.P.T. have a tendency to support the case of the prosecution and this tendency is a result of bias against the workmen. There is absolutely no valid material on record to justify these contentions. No cross-examination was made to lay foundation for these suggestions.

28. The discrepancies which were pointed out to me with regard to the actual time of incident and about the fact if the two workmen had shown the curtain from which incriminating articles were pilfered are not very material. It may be remembered that the incident took place on 30th May, 1986 and the witnesses were examined sometime in June 1987. The discrepancies and contradictions arise out of faulty memory and because of such discrepancies and contradictions, it can not be inferred that the Security staff and the Shed staff of the B.P.T. had colluded with the police to make out a false case to attain any false targets. During the statement in the domestic enquiry the workmen had come out with the theory that the two workmen were present alongwith the other members of the Gang with which they were working. Shri Shaikh requested Mr. Dadas to open his bag in order to check the same. However, nothing was found in the bag and the bag was kept aside. Shri Shaikh searched the bag of Shri Bhadracha. At that time Mr. Dadas saw a bag lying at some distance. Mr. Shaikh asked him to pick up the bag but Shri Dadas refused to oblige, upon which Mr. Shaikh gave him a blow and asked him to pick up the bag. The workmen persisted in refusal to lift the bag upon which Mr. Shaikh caught him by the collar and took him inside the Shed. The workmen picked up his own bag and the other bag was left behind. Thereafter both the workmen were taken to the Shed Superintendent's table and they were asked to place their bags on the table. After sometime the police arrived at the spot. The workmen stated that no personal search was taken by the police though panchnama was prepared but panchs were not present. Thereafter, the workmen were taken into custody and taken into Yellow Gate Police Station. To the same effect is the testimony of Mr. Bhadracha.

29. DW-3 Jawke has been examined to say that Mr. Shaikh had given beating to the two workmen but he states that he was not aware why Mr. Shaikh had given beating to the two workmen. Shri Nagawale has been examined to say that he had seen Mr. Shaikh giving beating to the two workmen and he had gone to the Shed Superintendent with some other Gang members to report this beating. It may be stated that this theory of beating and theory of making complaint to the Shed Superintendent was not put to the management witnesses during cross examination. In his cross-examination Shri B. B. Dadas was put a question as follows :

"I put it to you that you in your statement before Vigilance Officer have admitted the fact that the plastic bags were confiscated from your bag at the time of the Panchnama before the Shed Superintendent. To this question the workmen answered as follows :

"It is true".

This goes to show that the plastic bags which were confiscated were found in his bag.

30. On a conspectus of the circumstances and taking an over all view of the evidence placed on record, I find

that the evidence of guilt recorded by the Enquiry Officer is based on proper and acceptable evidence and cannot be termed as perverse. I, therefore, decide the issue against the two workmen.

31. Now the case be listed for hearing the parties on the question of propriety and justness of the punishment imposed upon the two workmen on 18-8-1997.

Put up the matter on 18-8-1997.

The parties be informed about this.

R. S. VERMA, Presiding Officer

ANEXURE II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT MUMBAI

PRESENT :

Shri Justice C. V. Gowardhan, Presiding Officer.
Reference No. CGIT-18 of 1994

PARTIES :

Employers in relation to the management of Bombay Port Trust

AND

Their Workmen.

APPEARANCES :

For the Management—Shri M. B. Anchan, Advocate.
For the Workmen—Shri S. R. Wagh, Advocate.

STATE : Maharashtra.

Mumbai, dated the 24th day of September, 1998

AWARD - PART II

1. On the reference made by the appropriate Government for adjudication of the dispute between the management and the workman in this case, my learned predecessor Shri R. S. Verma has passed a Part-I Award on 6th August, 1997 after considering the rival contentions of both the parties in detail. My learned predecessor has held that on a consideration of the entire material, he is of the opinion that the findings of the Enquiry Officer do not suffer from any perversity and are based on acceptable and admissible evidence and that only the question of punishment remained to be decided. The said Part-I Award has become final since there was no appeal against the said Award passed by my learned predecessor. On account of the said categorical finding of my learned predecessor and the Part-I Award passed by him, I am not repeating the pleadings of the parties and the evidence placed before the Tribunal in this orders.

2. The Learned Advocate for the workman Mr. S. R. Wagh has made it clear that even though the Union has conceded the legality, fairness and propriety of the domestic enquiry and the Union has not challenged the finding given by my predecessor in his Part-I Award, he wish to say that the Enquiry Officer as well as my learned predecessor has not considered the fact that the criminal case against the charge sheeted employee has ended in acquittal on the ground that it has not been proved that the property said to have been stolen by the charge sheeted employee actually belongs to the Bombay Port Trust and that it has not been proved that the charge sheeted employee was in possession of the concerned property; namely T. V. Components. I wish to observe that in view of the fact that the Part-I Award passed by my predecessor has become final, this contention of the Learned Counsel appearing for the workman, that my predecessor has failed to consider the fact of the criminal case ending in acquittal cannot be heard.

3. A reading of the Award passed by my learned predecessor would show that the learned counsel appearing for the workman had argued before him challenging the finding

of the Enquiry Officer on the ground that there are several discrepancies in the evidence of witness examined before the Enquiry Officer. My learned predecessor has discussed the evidence of the witnesses examined on behalf of the employer one by one from paragraph 19 to 25 of his Award Part-I and has finally held that those contradictions arise out of faulty memory and because of such the discrepancies and contradictions it cannot be inferred that the Security staff and the Shed staff of the B.P.T. has colluded with the Police to make out a false case. The argument of the learned counsel appearing for the workmen before me is also with regard to the discrepancy which he has pointed out before my learned predecessor. He has also argued that there is no evidence that the T. V. Components actually belongs to the B.P.T. and there are no eye witness for the alleged theft said to have been committed by these two workmen. My learned predecessor Mr. Verma has considered all these aspects in detail and has finally held that the evidence of guilt recorded by the Enquiry Officer is based on proper and acceptable evidence and cannot be termed as perverse. In view of the fact that the said Award has become final, I am of the opinion that the arguments of the learned advocates for the workmen with regard to the discrepancies between the witnesses for the management and the absence of eye witness for the theft cannot be said to be tenable one.

4. The learned counsel appearing for the workmen have also argued that Mr. Verma has referred to the admission of the workman Mr. Dadas regarding the statement by him before the Vigilance Officer and there is no such question put to other charge sheeted employee Mr. Bhadrircha and there is no such admission by him and in those circumstances the finding of the Enquiry Officer that the charge against him has been proved ought to have been rejected. The finding by the Enquiry Officer is not solely on this admission said to have been made by the workman Dadas to the Vigilance Officer. Therefore, failure to put a question with regard to any statement by Mr. Badricha to the Vigilance Officer cannot be a ground to disturb the finding of the Enquiry Officer as well as my predecessor. My predecessor, as already observed by me has held that the evidence of guilt recorded by the Enquiry Officer is based on proper and acceptable evidence and cannot be termed as perverse and therefore he decides the issue against the two workmen. The decision rendered by my learned predecessor is very specific that the finding of the Enquiry Officer cannot be termed as perverse with regard to both the workmen. Since it has become final it cannot be disturbed by me.

5. The learned Counsel appearing for the workmen has also argued that atleast to remove the stigma that they have committed theft of the property belonging to the employer these two workmen may be ordered to be reinstated without back wages if necessary. The employee has betrayed the confidence of the employer by committing theft. It would have resulted in loss to the establishment in which they are employed. The misconduct committed by them being a serious one they have to be dealt with severely. Therefore, the argument of the learned counsel appearing for the workmen that atleast to remove the stigma, they may be reinstated is not convincing and acceptable. In those circumstances, I am of the opinion that there is no ground to interfere with the punishment of dismissal given to those two employees.

6. In that view, I hold that the action of the management of Mumbai Port Trust in dismissing the services of S/Shri Babu Babu Dadas and Vilav Kumar Maghii Bhadrircha with effect from 12-6-89 is legal and justified and the workmen are not entitled to any relief. Award passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1998

के पंचाट के भाग I और II को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-10-98 को प्राप्त हुआ था।

[सं. एल-31012/7/93-आई.आर. (विभिन्न)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1998

S.O. 2201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Part I & II Award of the Central Government Industrial Tribunal, No-I, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 7-10-98.

[No. L-31012/7/93-IR (Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-1/19 of 1994

PARTIES :

Employers in relation to the management of Bombay Port Trust.

AND

Their workmen

APPEARANCES :

For the Management—Mr. M. B. Anchan, Advocate.

For the Workman—Mr. S. R. Wagh, Advocate.

STATE :

Maharashtra.

Mumbai, dated the 11th day of September, 1997

AWARD (Part-I)

The appropriate Government has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Bombay Port Trust in dismissing the services of Mr. Ramachandra Ramakant Tawade, Sorter Docks Department with effect from 24-7-90 is legal and justified? If not what relief the workman is entitled to?”

2. The case of the management, as set up in its written statement dated 2-5-1996 and the documents filed on record, is that on 16-9-87, the workman Shri Ramachandra Ramakant Tawade was posted at Frere Basin of the B.P.T. on the day shift under shed Superintendent C. L. Wagwe PW-3. It is alleged that the workman left his place of duty at about 3 p.m. without permission of the Shed Superintendent. Shri G. P. Ramdeo Singh, Watchman was also posted for duty on that day at Frere Basin in the day shift from 8 a.m. to 4.30 p.m. Shri G. P. Ramdeo Singh was on patrolling duty and at about 4.30 p.m. he spotted the workman Ramchandra Tawade going towards the gate. He noticed that the hip pockets of the pant of the workman were bulging. Shri G. P. Ramdeo Singh got suspicious and apprehended the workman Shri Tawade, when the workman was at about a distance of 40-50 feet from the exit gate. He also beckoned to G. W. Sarwade, Watchman posted at the Frere Basin Gate, not to allow the workman Tawade to go out. Shri G. W. Sarwade also noticed that the pockets of the pant of the workman Tawade were bulging. Shri G. P. Ramdeo Singh took workman Tawade to the Shed Superintendent Bagwe and requested him to take action against the workman but Mr. Wagwe did not take any notice of the complaint upon this G. P. Ramdeo Singh tele-

का.प्र. 2201—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवचन में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, प्रवृत्त में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं.-I, मुम्बई 2793 GI/98—11.

phoned his Zonal Office upon which Assistant Security Officer Sheikh and Shri Khandekar came to the spot along with Police Personnel led by Police Sub Inspector Shivaji Keshava Patil attached to yellow gate police station. Shri S. K. Patil aforesaid took a personal search of the workman and recovered 7 ball bearings from the person of workman Tawade marked I.K.L. 3. The case of the management further is that on interrogation by S. K. Patil Police S.I. Mr. Tawade informed Mr. Patil that he had taken out the Ball Bearings from a carton lying at shed No. 6. The workman Tawade took Mr. Patil to the shed concerned and showed him the carton from where the ball bearings had been stolen. Mr. Patil drew a Panchnama with regard to seizure, registered a criminal case against the workman and finally the workman was challenged to stand trial for the charge of theft for the aforesaid ball bearings.

4. The case of the management is that upon the said charges, a domestic enquiry was held against the workman, at which the workman participated in full and was allowed fullest opportunity to defend himself. The Enquiry Officer found the workman guilty of the charges levelled against him with regard to the said incident. The Disciplinary Authority concurred with the findings of the Enquiry Officer and issued due show cause notice to the workman, to which he made a due reply. The Disciplinary Authority was not satisfied with the reply and passed the dismissal order dated 24-7-1990 dismissing the workman from service. The workman appealed to the Competent Authority vide memo of appeal dated 22-8-1990 but the same was dismissed vide order dated 29-7-1991.

5. Aggrieved by the said action of the management, the union viz. the Transport and Dock Workers Union, took the matter in conciliation before the Conciliation Officer at Mumbai. However, the effort at conciliation failed and the Conciliation Officer submitted a failure report to the Appropriate Government which referred the dispute to this Tribunal for adjudication as stated above.

6. The union in its statement of claim pleaded that the story set up by the management was not true. The workman was admitted to be on duty on the date of incident at the day shift but it was denied that the workman had left his place of duty at 3.30 p.m. without permission of the Shed Superintendent or that he was apprehended as alleged with stolen ball bearings. The case of the union is that the workman performed his duty upto 5 p.m. and proceeded for his home and went out of the exit gate. At that time the gate Watchman called him and asked him to stop and with the help of other Watchman took him inside the gate and detained him and falsely handed over a letter to Police charging the workman of theft in respect of seven ball bearings, even though he was not carrying any ball bearings in his pocket. It was pleaded that the workman had been tried by a competent Magistrate on the aforesaid allegations and had been acquitted by order dated 8-6-1990. There was no case against the workman and the evidence led at the domestic enquiry was conflicting, contradictory and unreliable and the findings of the guilt recorded by the Enquiry Officer was perverse and deserved to be set aside and the workman should be reinstated with back wages and consequential benefits.

7. The management has opposed the claim and has submitted that the charge was duly proved on basis of acceptable and reliable evidence and no interference was called for from the order of dismissal.

8. It may be stated that on 28-11-1996 learned counsel for the union specifically conceded that he did not challenge the legality, fairness and propriety of the domestic enquiry and would confine himself to the perversity of the findings of the Enquiry Officer and would show that the finding of guilt is not based on any properly acceptable evidence.

9. Hence, the only question before me is whether the finding of guilt recorded at domestic enquiry is not based on properly acceptable evidence and is perverse.

10. I have heard the learned counsel for the parties at length and the constant endeavour of Mr. Wagh has been to show that the evidence of the management's witnesses is

full of contradictions, discrepancies and conflicting versions and the statements of management's witnesses are not reliable and acceptable. He has urged that the workman was acquitted of the self same charges after disbelieving the testimony of prosecution witnesses and on good grounds and hence this Tribunal must reject the testimony of those witnesses who have been disbelieved by the Criminal Court.

11. As against this, Shri M. B. Anchan for management has submitted that this Tribunal should not lightly brush about the evidence led at the domestic enquiry and acquittal of the workman at the Criminal Trial is not of much significance. He submits that the evidence led in domestic enquiry has established the charges fully.

12. I have bestowed my careful consideration to the rival contentions and have perused the record carefully. At the outset, I may state that in a criminal trial, the charges have to be established beyond shadow of reasonable doubt. In a domestic enquiry, the standard of proof is not that strict and a charge may be held established on preponderance of probabilities. This Tribunal does not function strictly as a Court of appeal but makes a judicial review of the findings of domestic forum to find out if the finding of guilt is based on proper and acceptable evidence. However, this does not mean that findings of Criminal Court may be brushed aside lightly or may be considered as wholly irrelevant. If there in an honourable acquittal and witnesses for the prosecution are found to be unreliable and unworthy of credence on cogent grounds, then the testimony of those very witnesses examined during the course of domestic enquiry may not be accepted.

13. A copy of the judgement of the Criminal Court has been placed on record and I have perused the same carefully. In the criminal case, the defence of the workman was that earlier on the day of incident, he had a quarrel with PW-1 Ganesh Prasad Ramdeo Singh and he had complained of the same to the Shed Superintendent and hence the criminal case was foisted on him falsely. The learned Magistrate found that the Panch witnesses in the case stated that he was called at about 5 p.m. to witness the Panchnama and this evidence was contradicted by PW-1 Ganesh Prasad Ramdeo Singh. Upon this basis, he agreed with the defence counsel that original Panchnama was not produced before the Court and the Panchnama produced before him may be false. Accordingly, he was of the view that prosecution had failed to establish the charge. Consequently, he acquitted the workman.

14. Now, I may examine the evidence produced at the domestic enquiry. The management, in its oral evidence examined PW-1 G. P. Ramdeo Singh, PW-2 G. W. Sarwade, PW-3 C. L. Baewee Shed Superintendent, PW-4 G. A. A. Kadar Daden, PW-5 S. L. Patil Head Watchman PW-6 S. K. Patil, Sub Inspector of Police, PW-7 Munawwar Hussain Mukhtar Ali and PW-8 V. D. Deshpande. In the documentary evidence, copy of FIR dated 16-9-87, copy of Panchnama dated 16-9-87 and certain other documents were tendered. In his defence, the workman examined himself.

15. It may be stated that the most important witnesses in the case were PW-1 G. P. Ramdeo Singh and PW-2 G. W. Sarwade. For reasons best known to the prosecution in the criminal case PW-2 G. W. Sarwade was not examined but he has been produced in the domestic enquiry. It would not be out of place to mention that the Panchnama witness produced before the learned Magistrate Shri C. L. Baewee, the Shed Superintendent was from the very beginning a very reluctant witness and he did not take any interest in the complaint made to him by PW-1 G. P. Ramdeo Singh regarding the apprehension of the workman by Singh with pilfered ball bearings. This shows that from very beginning Baewee was out to defend the workman, for reasons best known to himself. However, this would be a subject matter of investigation by the management and I have no more comment to offer on this aspect except that Baewee's conduct from the very beginnings was of doubtful nature but management was bound to examine him lest a charge of suppression of important evidence would be laid against it. Hence, if in the criminal case, he went against the very Panchnama, to which he was a signatory, it could be a good ground to give benefit of doubt to the accused in the criminal case but to my mind would not alter the basic substraction of the management's case. Hence, I find that the judgement of the Criminal Court is not of much assistance to the workman.

16. As I have already stated, the case of the management basically rests upon the testimony of Singh and Sarawade, who apprehended the workman with pilfered goods. They had no previous enmity with the workman. In cross-examination of Singh, a suggestion was given to him that he had made the false complaint against workman, as he had been reprimanded by his superior dock staff for not wearing uniform. The witness has stoutly denied the suggestion. Moreover, it could hardly be a reason for Singh to implicate the workman. I have gone through the testimony of Singh and he has stuck to his original story as set out in para 2 of this award. He was submitted to detailed cross-examination and nothing has been elicited in his cross-examination, which may go to discredit him. He was a totally disinterested person and apprehended the workman in lawful discharge of his duty. The same is true of the version given out by Sarawade, who has fully corroborated the version given by Singh and has stood the test of cross-examination.

17. I have already commented upon the testimony of Bagwe and the same need not detain me. The testimony of Garam Abdul Kader Ahmed Dadan fully corroborates the version given by Singh so far as the apprehension of workman by Singh and finding of seven ball bearings on the person of the workman are concerned. However, he has tried to say that the ball bearings found in possession of workman did not relate to parent consignment, from which they are said to have been pilfered. However, this fact remains undemonstrated that workman was found in possession of seven ball bearings which did not belong to him. He was seen leaving his duty around 3 p.m. or so and he had no explanation to account for the goods in his possession, which can safely be presumed to be stolen goods, belongs to B.P.T. He has, of course, supported the workman in that the workman had not shown the place to him from where the workman had pilfered the goods found in his possession. This witness is also an independent witness and had no axe to grind against the workman.

18. The testimony of S. L. Patil PW-5 also corroborates the version given by Singh to the extent that as soon as he reached the spot, he was informed about the incident by Singh. This witness claims to have informed A.S.O. Deshmukh in his turn of the incident. The witness was not present when Singh apprehended the workman with the stolen goods and hence his cross-examination in this aspect does not advance the case of the workman.

19. PW-6 S. K. Patil is the sub-inspector of Police, who reached the scene of occurrence on being informed of the incident, drew up the Panchnama and registered and investigated the case. He categorically states even on the date of incident, he received information at 4.45 p.m. that the workman had been apprehended with seven ball bearings. On receiving this information, he went to Frere Basin. He searched the workman and found seven ball bearings on his person. He prepared a Panchnama, took the workman to Police Station, registered a case against him and arrested him. The FIR and the Panchnama corroborate the statement of this witness.

20. Learned counsel for the workman stressed that there was conflicting evidence as to workman had taken this witness to the Shed and had shown the carton to him from which the ball bearings were pilfered. True, it is so but it is to be remembered that the witnesses were examined in the domestic enquiry after about two years of the incident. Human memory is fallible and such conflicts and contradictions in the evidence point out to the honesty and truthfulness of the witnesses. However, it is proved that the workman left his duty point much before the duty hours were over and was apprehended with seven ball bearings within the Dock area, he does not claim them to be his own property. The conclusion is irresistible that they were stolen property. Whether he actually pointed out the carton from which they were pilfered and matched with other content of the carton, is hardly material and hardly affects the basic substratum of the management's case.

21. PW-7 M. H. Mukhtar Ali is an attesting witness of the Panchnama yet he has resiled from the contents of the Panchnama and has tried to support the workman. He appears to be a hostile witness, though not declared to

be so. His testimony is in direct conflict with the contents of Panchnama hardly deserves any credence, this way or that way. I do not find his evidence to be trustworthy and it can not be used for demolishing the direct and positive testimony of Singh, who apprehended the workman while leaving the Docks, much before the expiry of duty hours and found in possession of seven ball bearings, corroborated in all material details by other cogent evidence on record.

22. The workman has admitted in his statement that he was apprehended on the date of incident but outside the dock and after his duty hours were over. He has claimed that he did not have any ball bearings in his possession. He has given an explanation that the Watchman (Singh) was not wearing his uniform. He was asked to go to Yantra Bhawan and report back in uniform. At this incident, the workman had laughed and for this reason the Watchman got him falsely implicated. The explanation, to say the least, is ludicrous. It does not establish any animus for Mr. Singh to frame up the workman falsely.

23. On a consideration of the entire material, I am of the opinion that the findings of the Enquiry Officer do not suffer from any perversity and are based on acceptable and admissible evidence.

24. Now, remains the question of punishment. Notify award to both the sides so that they may be heard on this question. Matter to come up on Board as first case on 19-9-1997.

R. S. VERMA, Presiding Officer

ANNEXURE II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT MUMBAI

PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer

Reference No. CGIT-19 of 1994

PARTIES :

Employers in relation in the management of Bombay Port Trust.

AND

Their Workmen

APPEARANCES :

For the Management—Mr. M. B. Anchan, Advocate.

For the workman—Mr. S. R. Wagh, Advocate.

STATE :

Maharashtra.

Mumbai, dated the 23rd day of September, 1998

AWARD (Part-II)

1. On the reference made by the appropriate government for adjudication of the dispute between the management and the workman in this case my learned predecessor Shri R. S. Verma has passed a Part-I Award on 11th September, 1997 after considering the rival contentions of both the parties in detail. My learned predecessor has held that on a consideration of the entire material, he is of the opinion that the findings of the Enquiry Officer do not suffer from any perversity and are based on acceptable and admissible evidence and that only the question of punishment remained to be decided. The said Part-I Award has become final since there was no appeal against the said award passed by my learned predecessor. On account of the said categorical finding of my learned predecessor and the Part-I Award passed by him, I am not repeating the pleadings of the parties and the evidence placed before the tribunal in this order.

2. The Learned Advocate for the workman Mr. S. R. Wagh has made it clear that even though the Union has conceded the legality, fairness and propriety of the domestic enquiry and the Union has not challenged the finding given by my predecessor in his Part-I Award, he wish to say

that the Enquiry Officer as well as my learned predecessor has not considered the fact that the criminal case against the charge sheeted employee has ended in acquittal on the ground that it has not been proved that the property said to have been stolen by the charge sheeted employee actually belong to the Bombay Port Trust and that it has not been proved that the charge sheeted employee was in possession of the concerned property, namely Ball bearings. I wish to observe that in view of the fact that the Part-I Award passed by my predecessor has become final, this contention of the Learned Counsel appearing for the workman, that my predecessor has failed to consider the fact of the criminal case ending in acquittal cannot be heard. A reading of the order of my Learned Predecessor would show that he has held that it is proved that the workman left his duty point much before the duty hours were over and was apprehended with seven ball bearings within the Dock area that he does not claim them to be his own property and that his conclusion is irresistible that they were stolen property etc.

3. The Learned Counsel appearing for the workman has also argued that the workman who has put in a service of 20 years has no bad records in the past and the punishment given to him is disproportionate to the charge against him and therefore orders may be passed to reinstate the workman without back wages. This argument of the learned counsel appearing for the workman is also not acceptable since one of the charge against the workman is theft of seven ball bearings. Committing theft of the property of the employer by an employee is a serious misconduct which cannot be taken lightly. There is no extenuating circumstances to award lesser punishment. If the charge framed against the workman is of a minor matter like Absentism without leave, the workman can be given lesser punishment since there is always a possibility of the workman mending himself, but in the case of a charge of theft the conduct of the workman is one which betrays the confidence of the employer and it is one which would cause loss to the organisation in which he is employed. Therefore, I am of the opinion that the contention of the learned counsel appearing for the workman that the punishment is a harsh one is not tenable and there is no mitigating circumstances to award a lesser punishment. In that view, I hold that the action of the Management of Mumbai Port Trust in dismissing the service of Mr. Ramchandra Chandrakant Tawade, Sorter, Docks Department with effect from 24-7-90 is legal and justified and the workman is not entitled to any relief.

Award passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1998

का.पा. 2202—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रबंधन में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पत्राक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एन-34012/7/94-आई.आर. (विधि)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 9-10-98.

[No. L-34012/7/94-IR(Misc)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman and Presiding Officer.

Thursday, the 10th day of September, 1998

I.T.I.D. (C) No. 14/95

BETWEEN

General Secretary,
Visakhapatnam Port Employees Union,
Dharma Shakti Bhawan,
VPT, Visakhapatnam. ...Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam. ...Management.

This dispute coming on for final hearing before me in the presence of Sri S. Srirama Das, Advocate for workman and Sri B. Gowri Sankara Raju, Advocate for management and Sri A. S. Rama Sarma, Advocate for 3rd party, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is an industrial dispute that came up for adjudication before this industrial tribunal on a reference made by the Government of India casting the terms of reference as under :

"Whether the action of management of Visakhapatnam Port Trust in reverting Sri T. Ranga Rao, Head Asstt. (cash) to the post of Sr. Asstt. (cash) to promote Sri M. Sampath Rao, Jr. Clerk who was reverted from the post of Sr. Asstt. on disciplinary grounds by considering his petition after 10 years after the disciplinary authority's order is justified? If not, to what relief the workman concerned is entitled to?"

(2) The facts of the case are briefly as follows.—This dispute is actually raised by Visakhapatnam Port Employees Union espousing the cause of one T. Ranga Rao, Head Asstt. (cash) as he came to be reverted to the post of Senior Assistant (cash) only to promote and accommodate another officer by name Sampath Rao 10 years after the disciplinary authority reverted him to the post of Jr. Clerk from the post of Sr. Asstt. on disciplinary grounds, taking mercy upon the said Sampath Rao in a petition stated to have been filed by him, called as mercy petition. Basically the said Sampath Rao who has been conferred with the benefits of promotion on the basis of a mercy petition was no doubt senior to T. Ranga Rao. But by an order dated 3-8-81 the said Sampath Rao was reverted from the post of Sr. Asstt. (cash) to the post of Jr. Clerk by way of punishment for submitting false certificate of educational qualifications. In fact, the said disciplinary proceedings are not at all the subject matter of this industrial dispute. The punishment of the said Sampath Rao came to be confirmed successively by the appellate and other superior authorities. It seems the said Sampath Rao also filed a writ petition in this regard. Ten years passed by after Sampath Rao was reverted as Jr. Clerk. In fact the post of Jr. Clerk was not a rung in the hierarchy of head cashier down to mere clerk. After long time, nearly after 10 years, the said Sampath Rao preferred a mercy petition to the Chairman of the Visakhapatnam Port Trust. Thereupon, an order dated 5-11-92 came out from the manager (operations) conveying the approval of the chairman to create a super numerical post of Head Assistant to rehabilitate Sampath Rao obviously allowing his mercy petition. It seems the management further ordered to promote Mr. Sampath Rao as Head Assistant (cash) after reverting the existing incumbent Sri T. Ranga Rao who in fact raised this industrial dispute. It is not out of place to observe that both the persons belong to scheduled caste. The said

Ranga Rao therefore sought in this dispute the quashing of the order passed by the management reverting him on account of the illegal promotion of Sri Sampath Rao w.e.f. 5-11-92 and to order the restoration of the promotion of Ranga Rao w.e.f. 5-11-92 itself.

(3) The management resisted the claim by filing a statement which it chose to call as counter. According to the management, the chairman is the highest authority to decide the merits of the case in the disciplinary cases. The chairman considered the application of Sampath Rao and restored him to his former position. According to management, by that time a vacancy of Head Assistant (cash) as available and he was promoted according to seniority as per disciplinary proceedings. At that time T. Ranga Rao was officiating as Head Asstt. (cash) only on ad hoc basis and was not an approved candidate to the post of Head Asstt. (cash). According to management, the ad hoc appointment will not create any right to claim seniority or right over the post and the same was made clear in the order promoting Ranga Rao. Thus, the management tried to vindicate its order. According to management Ranga Rao was merely acting as Head Asstt. (cash) on ad hoc basis and he was not at all an approved candidate to the said post. By restoring status quo ante favour of Sampath Rao, the management maintained that it merely gave full relief to him and the reversion of Ranga Rao had nothing to do with the promotion of Sampath Rao and even otherwise Ranga Rao was promoted later as Head Asstt. (cash) on regular basis w.e.f. 23-5-97. The management also submitted that both of them were later promoted further in their turn.

(4) In support of his case the workman examined the secretary of the union as WW1. He marked the original proceedings of the disciplinary authority dated 26-7-82 under which Sampath Rao came to be reverted to the post of Junior Clerk with immediate effect. The management on the other hand, examined its Junior Asstt. as MW1. He marked Exs. M1 to M9. As the terms of reference clearly suggest that even the interest of a third party namely Sampath Rao are likely to be assailed in the proves of the enquiry, this court ordered notice to the said Sampath Rao. He wanted to file a counter which is technically untenable. However, he is permitted to mark his documents and submit written arguments. Accordingly, he marked Ex. X1 to X10. Heard counsel for both parties.

(5) The points that arise for consideration are :

- (1) Whether the order of the management restoring status quo ante with all the concomittent benefits to Sampath Rao on a mercy petition even after his appeals and writ petition ended in smokes is true and valid ?
- (2) Whether, in any case, the relief given to Sampath Rao can adversely effect the rights of another workman T. Ranga Rao ?
- (3) To what relief ?

(6) Point No. 1.—A perusal of the mercy petition of Sampath Rao marked as Ex. M7 clearly shows that it was a mercy petition pure and simple. The management adopted a very strange procedure in processing this mercy petition. Before going into such procedure, it is pertinent to note that there was no disputing the fact that by the date of reversion Sampath Rao was working as Head Asstt. (cash). It is also not in dispute that by the date of initiation of the proceedings he was working as Sr. Asstt. As is evident from Ex. W1 which clearly designated him as Senior Asstt. (cash). Some how this discrepancy was not properly explained except for Ex. M8 showing it as an undisputed fact. It seems Sampath Rao preferred a review petition in the year 1985. But it did not yield any result and on the other hand, in a related writ petition the High Court did not allow the management to give Sampath Rao a graver punishment than reverting to the post of Jr. Asstt. (cash). The management thereupon re-examined the case and ultimately passed an order repromoting Sampath Rao to the post of Head Asstt. (cash). Strictly speaking we are not concerned in this reference with the legality or otherwise of the order passed by the management allowing the mercy petition of Sampath Rao. We are only concerned with its impact upon the workman

herein which caused his demotion. In other words whether the order of the management promoting Sampath Rao is capable of entailing in effects adverse to the interests of the workman herein, and if so whether such an effect is permissible in law. It is an admitted fact that Ranga Rao was working as Head Asstt. (cash) and the management rehabilitated Sampath Rao only after uprooting Ranga Rao from the post of Head Asstt. (cash) This nexus is an admitted fact. If that is so, it is incumbent upon the part of the management to prove that a notice was given to Ranga Rao before effecting his reversion. Moreover, even the order on the mercy petition revealed in Ex. M9 clearly shows that the order of restoration was intended to be given effect to from the next immediate future vacancy of Head Asstt. (cash) and it also intended to compell the mercy petitioner to forego his original seniority and that his seniority will be counted in the grade of Head Asstt. (cash) from the date of repromotion to the post of Head Asstt. (cash). There is no disputing the fact that after reversion of Sampath Rao, Ranga Rao was promoted to the post of Head Asstt. cashier on 19-10-92. Sampath Rao was repromoted to the post of Head Asstt. (cash) only from 5-11-92. When Ex. M-9 itself washed off all the seniority of Sampath Rao earned by him previous to the repromotion it passes once imagination how Sampath Rao could be given a mercy ahead of T. Ranga Rao as Sampath Rao's so called promotion to the Head Asstt., previously, on 18-12-80 also came to be washed off by the presents of Ex. M9. In other words as per the management, as between T. Ranga Rao and Sampath Rao, it is T. Ranga Rao that was promoted only on ad hoc basis while the repromotion of Sampath Rao was based upon his status of being an approval candidate way back in 1980 which came to be washed out by the subsequent proceedings that reverted him to junior clerk which in fact is not a conduit for promotion to the post of clerk, Junior Asstt. Senior Asstt. and Head Asstt. etc. Though the counsel for Ranga Rao argued that the management could have at best restored him to the position of senior assistant only, as, at the time of his demotion he was merely a senior assistant as per Ex. W1. But the subsequent record shows that by the date of reversion Sampath Rao was working as Head Asstt. So we are concerned with this. The effect of the order of the management that is found in Exs. M7 to M9 cannot be considered as granting Sampath Rao wholesale relief of restoring him in his favour the status quo ante with all he concomittent benefits includings seniority through and the advantage of additional qualification, as, at one time, having attained the status of approved candidate. Thus, I have no hesitation to hold that the reversion of Ranga Rao to rehabilitate Sampath Rao is not justified and on the other hand the management overshort the scope and ambit of the order in Ex. W9 by restoring his everything including the seniority and status of approved candidate. The maximum effect of Ex. M9 in favour of Sampath Rao can be only, upto his being restored to the post of head assistant (cash) but not also the benefit of restoring his seniority and restoring his status which came to be erased by the process of disciplinary action that spread over a period of 10 years. Strictly speaking, reconsidering the candidature of Sampath Rao for promotion is one thing and restoring status quo ante is another thing. The Management failed to show any statutory provision that empowered the chairman to allow mercy petition especially after his appeal, review etc. failed. Though a writ petition was decided in his favour it only afforded him protection from further enhancement of punishment which the management at one point of time contemplated. The management tried to rely upon the power of review vesting in the chairman by virtue of the provisions contained in Rule 27 of the Classification, Control and Appeal Rules of Visakhapatnam Port Trust Employees'. But obviously that provision has no application to mercy petitions. What all it allows is review when any new material etc. could be brought to the notice of the Chairman. The present order on the mercy petition can by no stretch of imagination be equated with the review contemplated by Section 27. Although this tribunal is alive to the infirmities in the order of repromotion in favour of Sampath Rao, especially the flagrant violation of principles of natural justice in as much as the management failed to give notice to Ranga Rao before reverting him under extraordinary circumstances, adverted to above, this tribunal is not interested in quashing that order of the management in allowing the mercy petition of Sampath Rao because the reference can very well be meaningfully answered even without going into that aspect. As pointed out above the reversion of Ranga Rao on the basis of a perfunctory order like this is certainly unjustified.

(7) Point No. 3.—Accordingly an award is passed holding that the reversion of Ranga Rao, Head Asstt. (cash) to the post of Senior Assistant (cash) to promote Sri Sampath Rao is not justified and directing the management to reinstate Ranga Rao as Head Asstt. (cash) and also restore his seniority in the post of Head Assistant (cash) over and above Sampath Rao and release to the said Ranga Rao all the concomittent and consequential benefits. The management is further directed not to disturb the re-promotion of Sampath Rao except to the extent necessitates in giving effect to the relief granted to Ranga Rao as indicated above. The reference is answered accordingly. There shall be no order as to costs in the circumstances of the case.

Dictated to steno transcribed by her given under my hand and seal of the court this the 10th day of September, 1998.

K. SATYANAND, Presiding Officer

APPENDIX OF EVIDENCE IN I.T. I.D. (C) No. 14/95 WITNESSES EXAMINED

For Workman : WW1—A. B. Raman
For Management : MW1—T. Srinivasa Rao,

DOCUMENTS MARKED

For Workman : Ex. W1—Proceedings of Disciplinary Authority.

For Management :

Ex. M1/1-12-80—Office order No. 342, dt. 1-12-80 by management.

Ex. M2/31-12-80—Office order No. 370 by management.

Ex. M3/23-10-92—Office order No. FAC. Admn./341 dt. 23-10-92.

Ex. M4—Visakhapatnam Port Employees Union (Recruitment, Seniority and Promotion) Regulations, 1964.

Ex. M5/5-11-92—Letter No. A2/Rep/MSR/92 by management.

Ex. M6/5-11-92—Office order FA/Admn/344 dated 5-11-92.

Ex. M7/7-7-92—Mercy petition by M. Sampath Rao.

Ex. M8—Office note and the order of the chairman on mercy petition.

Ex. M9/31-10-92—Office copy of order communicating the order of the Chairman, Port Trust.

For 3rd Party :

Ex. X1/ 10/80—Circular by management.

Ex. X2 —Office order 342 dt. 1-12-80.

Ex. X3/31-12-80—Office order No. 370 by FA & CAO by management.

Ex. X4—Suspension order of Sri M. Sampath Rao.

Ex. X5/20-7-81—Memorandum issued by management

Ex. X6/5-11-92—Office order in FA/Admn/344 dated 5-11-92.

Ex. X7/5-5-93—Office order No. 1A/Admn/423 dated 5-5-93.

Ex. X8/6-5-93—Letter of chairman, VPT by M. Sampath Rao.

Ex. X9/26-5-93—Letter No. A2/Rep/MSR/92, by management.

Ex. X-10—Office order No FA/Admn/475 issued by management.

नई दिल्ली, 9 अक्टूबर, 1998

का.भा. 2203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था ।

[सं. एल-34012/9/94-भार.भार. (विविध)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 9-10-1998.

[No. L-34012/9/94-IR(Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL CUM LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman & Presiding Officer,

Friday, the 4th day of September, 1998

I.T.I.D. No (C) : 12/95

BETWEEN

(N. Sreeramulu), Through

The General Manager,
Visakhapatnam Port Employees Union,
Dharmasakti Bhavan,
Visakhapatnam.

Workman.

AND

The Chairman,

Visakhapatnam Port Trust,
Visakhapatnam.

Management.

This dispute coming on for final hearing before me in the presence of Sri S. Sivaramadas, advocate for workman and Sri B.G.S. Raju, advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the Court passed the following :

AWARD

(1) This is an industrial dispute that came to be adjudicated in this Tribunal on a reference made by the Central Government which framed the terms of reference as under :

"Whether the action of Visakhapatnam Port Trust in awarding punishment of reduction of pay from maximum to minimum to Sri Sreeramulu on the ground that he damaged the crane is justified? If not, to what relief the workman concerned is entitled to?"

The facts of the case as called out from the claim statements are briefly as follows : The workman was working as crane operator in Visakhapatnam Port Trust. It seems he was suspended w.e.f. 12-8-91 on the ground that he was responsible for causing extensive damage to a crane by careless operation. Subsequently the disciplinary authority revoked the suspension but kept the disciplinary proceedings pending. In that process the management caused an enquiry to be made against the workman for the charge levelled against him as related at the out set. The Enquiry

enquiry. It seems he examined three witnesses on the side of the management and one witness on the side of the workman and made a visit to the place where the incident occurred and at last, held that the charge against the workman was not proved. He submitted a report accordingly. The disciplinary authority namely the Chairman of the Port Trust did not agree with the findings of the Enquiry Officer and imposed a punishment against the workman by reducing his pay to the minimum in the pay scale which substantially slashed his earnings. Aggrieved by the same, he preferred an appeal but in vain. As such the workman raised an industrial dispute which came to be referred in this tribunal. According to workman the view taken by the disciplinary authority was erroneous.

(2) The management filed a counter admitting inter alia that the enquiry report was in favour of the workman but at the same time the disciplinary authority tried to vindicate the imposition of the penalty disagreeing with the findings of the Enquiry Officer.

(3) The workman filed a memo wherein he waived the contest on the validity of domestic enquiry. As such, the matter came up for hearing on the other aspects. Heard both sides.

(4) The points that arise for consideration are :

(1) Whether the chairman was justified in reversing the findings of the enquiry officer and imposing the impugned punishment ?

(2) To what relief ?

(5) Point No. 1 : The workman tried to assail the impugned order chiefly on two grounds. Even according to the enquiry record two of the three management witnesses were not direct witnesses, and the third supported him. Moreover, the incident took place while the crane was not in charge of the contractor who took it on hire. Apart from that he submitted that when the Enquiry Officer exonerated him the disciplinary authority imposed punishment purely on arbitrary grounds by simply brushing aside the findings of the enquiry officer. It is therefore sufficient in this case if we closely scrutinise the impugned order of punishment in order to find out whether the punishing authority applied his mind while reversing the findings of the enquiry officer. The impugned order dated 3-6-94 is found at page No. 102 of the material papers submitted by the management. A reading of the said order clearly shows that it is simply an order without reasons. That all he said in the context of imposing punishment was that the reasons offered by the workman in the representation were not convincing and hence not acceptable. By no stretch of imagination this kind of approach can be equated with passing a speaking order for imposing a grave punishment which definitely had a telling effect upon the workman. In other words the order is perfunctory. Even in the show cause notice to the workman that proceeded the imposition of punishment the punishing authority did not indicate what actually impelled him to disagree with the findings of the enquiry officer. This is violative of principles of natural justice. In the final show cause notice proposing punishment the disciplinary authority is bound to give his own reasons as to why he disagreed with the findings of the enquiry officer. Strangely he referred to a separate copy of findings stated to have been enclosed to that show cause notice. That separate findings of the chairman are found in pages 93 to 95. Here he narrated as to what SW1 and SW2 stated. On a close examination of those findings the complaint of the disciplinary authority appears to be that the workman/operator operated the crane during pitch darkness. It is incomprehensible, then, as to why the management assigned to him night shift duty at all. The management also failed to say that the crane need not have to be operated if there was darkness. This is really a paradoxical situation. The management asked him to work during night shifts but found fault with him for working in darkness. There are no instructions that the workman has to stop working in darkness. It is not at all the case of the management. On the other hand the disciplinary authority relied upon the statement of SW-2 to the effect that nobody compelled the driver to operate the crane in total darkness. In contradistinction to this we have evidence of SW3 who actually happened to be the eye witness to the whole incident. SW3 categorically stated that he advised the

driver to stop the crane since there was pitch darkness in the area and accordingly he stopped the crane. But the disciplinary authority conveniently branded the evidence of SW3 as evidence fabricated to the advantage of the charged officer. This disagreement with the findings of the Enquiry Officer is not convincing. The enquiry officer made an extensive enquiry and gave findings with cogent reasons. SW3 who had first hand knowledge gave cogent evidence and disciplinary authority simply branded it as fabricated evidence. That approach is not correct. Thus, the conclusions of the disciplinary authority namely the Chairman are not on a sound footing. The impugned order is therefore liable to be quashed.

(6) Point No. 2.—Accordingly, an award is, therefore, passed setting aside the punishment imposed and directing the management to restore to the workman of the benefits that came to be hindered on account of this quashed order.

The reference is answered accordingly.
Dictated to stenographer, transcribed by her, given under my hand and seal of the court, this the 4th day of September, 1998.

K. SATYANAND, Presiding Officer

Appendix of Evidence in I.T.L.D. No. (C) 12/95

WITNESSES EXAMINED :

For Workman : None.

For Management : None.

DOCUMENTS MARKED

For Workman : Nil.

For Management : Nil.

नई दिल्ली, 8 अक्टूबर, 1998

का.प्र. 2204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब, को ग्रामपरेडि बैंक लिमिटेड, दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-98 को प्राप्त हुआ था।

[सं. एल-12011/34/95-आर्.आर. (बी.1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 8th October, 1998

S.O. 2204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab Coop. Bank Ltd., Delhi and their workman, which was received by the Central Government on the 8-10-98.

[No. L-12011/34/95-JR(B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BFFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 105/96

In the matter of dispute

BETWEEN

General Secretary, Punjab Coop. Bank Employees Union, 710-Ballimaran, Chandni Chowk, Delhi-6

Versus

The Chairman, Punjab Coop. Bank Ltd., 212-Gupta Complex, 2nd Floor, 1-Old Rohtak Road, Delhi-35.

APPEARANCES :

Shri Inderjeet Singh for the workman.

AWARD

The Central Government in the Ministry of Labour vide order L-12011/34/95-I.R. (B-I), dated 29-11-96 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab Coop. Bank Ltd. in terminating the mutual settlements arrived between the management and Punjab Coop. Bank Employees Union on 17-12-79, 25-2-86, 17-5-88 and 10-3-89 are just and fair ? If not, to what relief the workmen are entitled and from what date ?”

2. The representative for the workman has made statement that the Union on whose behalf he was representing the case has not turned up inspite of many reminders sent to them and it appears that the Union is not interested in pursuing this dispute. He has also stated that No Dispute Award may be given in this case.

3. In view of this statement No Dispute Award is given in this case leaving the parties to bear their own costs.

6th October, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 अक्टूबर 1998

का. प्रा. 2205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक लिमिटेड, दिल्ली, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 8-10-98 को प्राप्त हुआ था।

[सं. एल-12011/33/94-आई. प्रार. (बी.1)]

पी. के. माईकल, डेस्क अधिकारी

New Delhi, the 8th October, 1998

S.O. 2205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank Ltd. Delhi and their workman, which was received by the Central Government on the 8-10-98.

[No. L-12011/33/94-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 20/96

In the matter of dispute

BETWEEN

Maha Sachiv,
Punjab Cooperative Bank Employees Union,
710, Ballimaran, Chandni Chowk,
Delhi-6.

Versus

Adhyaksh,
Punjab National Bank Ltd.,
212, Gupta Complex, Inderlok,
Delhi.

APPEARANCES :

Shri Inderjeet Singh for the workman.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011/33/94-I.R. (B-I) dated 27-2-96 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab Co-operative Bank in not providing one head clerk to the branch of South Extension when its deposit exceeded 1.75 crores on 16-10-92 is justified ? If not what relief the union is entitled to ?”

2. Representative for the workman has made statement that the Union on whose behalf he was representing has not turned up inspite of many reminders sent to them and it appears that the Union is not interested in pursuing this dispute. He has also stated that no dispute award may be given in this case.

3. In view of this situation and the statement of the representative of the workman No Dispute Award is given leaving the parties to bear their own costs.

6th Oct. 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1998

का. प्रा. 2206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्ट एक्सटेंशन, मद्रास के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, चेन्नई के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 9-10-98 को प्राप्त हुआ था।

[सं. एल-41012/270/95-आई. प्रार. (बी.1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Ry., Madras and their workman, which was received by the Central Government on the 9-10-98.

[No. L-41012/270/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Tuesday, the 25th day of August, 1998

Present :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 76 of 1998

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Southern Railway, Madras).

BETWEEN

Shri R. Maniraja.

C/o. D. Rajagopal,
No. 309/G, Pananthope Railway Colony,
III Street, Ayanavaram,
Madras-600 023

AND

The General Manager,
Headquarters Office, Southern Railway,
Park Town,
Madras-500 003

REFERENCE :

Order No. L-41012/270/95-IR (B-I), Ministry of Labour, dated 10-3-97, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, upon perusing the reference and other connected papers, in the presence of Mr. T. Arunan, Advocate appearing for the respondent-management, and the petitioner being absent this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

'Whether the action of the management of Southern Railway, Madras in terminating the services of Shri Mani Raja, Loco Khalasi with effect from 10-2-1984 for mere misconduct of unauthorised absence is just, proper and legal? If not, to what relief is the workman entitled to?'

2793 GI/98—12.

Petitioner absent No representation. Dismissed for default.

Dated, this the 25th day of August, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 12 अक्टूबर, 1998

का.प्र. 2207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मद्रास पोर्ट ट्रस्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-98 को प्राप्त हुआ था।

[मं. एल-33011/1/96-आईआर (विधि)]

पी.के. माईकल, डेस्क अधिकारी

New Delhi, the 12th October, 1998

S.O. 2207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on the 12-10-98.

[No. L-33011/1/96-IR(Misc.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Tuesday, the 4th day of August, 1998

Present :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 23 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the management of Madras Port Trust, Madras).

BETWEEN

The workman represented by
The General Secretary,
Madras Port Trust Employees Union,
S.C.C. Anthony Pillai Bhavan,
No. 9, Second Line Beach,
Madras-600 001.

AND

The Chairman,
Madras Port Trust,
Rajaji Salai,
Madras-600 001.

REFERENCE :

Order No. L-330111/96-IR (Misc.), Ministry of Labour, dated 31-3-97, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Thiru R. Arumugham, Advocate appearing for the management, upon perusing the reference, and other connected papers, and the petitioner called absent, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

“Whether the demand of Madras Port Trust Employees Union for payment of incentive and relieving overtime to coupling porter Gr. II viz., Shri D. Veerabhadran and 9 others by the management of Madras Port Trust is justified ? If so, to what relief the workmen are entitled ?”

- | | |
|--------------------------|---------------|
| 1. Shri D. Veerabhadran | —Gateman |
| 2. Shri M. Thambiran | —Asstt. Tech. |
| 3. Shri L. E. Jothimani | —Asstt. Tech. |
| 4. Shri S. James Amudham | Asstt. Tech. |
| 5. Shri A. Palani | —Gateman |
| 6. Shri M. Velan | —Gateman |
| 7. Shri E. Jayaraman | —Gateman |
| 8. Shri K. S. Rajendran | —Asstt. Tech. |
| 9. Shri C. M. Baskaran | —Asstt. Tech. |
| 10. Shri P. Subramani | —Gardner |

Claim statement not filed. Petitioner called absent. Dismissed for default.

Dated, this the 4th day of August 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 12 अक्टूबर 1998

का. प्र. 2208—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संरक्षित निषेधों और उनके कर्मचारियों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-98 को प्राप्त हुआ था।

[सं. एल-34012/3/95-आई. आर. (विधि)]

पी.के. माईरुप, डेस्क अधिकारी

New Delhi, the 12th October, 1998

S.O. 2208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 12-10-98.

[No. I-34012/3/95-IR (Misc.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL CUM
LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman & Presiding Officer.

Wednesday, the 29th day of July, 1998
I.T.I.D. No. (C) 10/95

BETWEEN

B. Chandrayya,
D. No. A-26-4, Ascelmette,
C.B.M. Compound,
Visakhapatnam. ... Workman.

AND

The Chairman,
Visakhapatnam Dock Labour Board,
Visakhapatnam.

This dispute coming on for final hearing before me in the presence of Sri A. V. Sambasiva Rao and Sri A. S. Rama Sarma, advocate for workman and Sri D.V. Subba Rao and Sri D.V.S.J. Somayajulu, advocates for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is an industrial dispute that came up before this tribunal on a reference made by the Government of India framing the points for consideration as under :

“Whether the demand of Shri B. Chandrayya, Ex-Winch driver, Visakhapatnam Dock Labour Board for reinstatement in service on the ground that the management of Visakhapatnam Dock Labour Board has exercised undue influence in seeking voluntary retirement and thereby terminating his services is justified ? If not to what relief the said workman is entitled ?”

(2) The facts of the case as culled out from the statements of the parties are briefly as follows : The workman joined the service of the management on 18-5-61. On 21-9-77 the labour officer of the management asked the workman through a written reference to appear before the medical board in the dock labour board dispensary on 23-9-1977. On 22-9-1977 as the workman was away at his house taking rest, a notice was served upon him asking him to attend to the office immediately. It appears the workman proceeded to the office. There, the workman alleged, his thumb impression was obtained on a printed/typed matter representing that the same required to protest against the medical examination. The workman submitted that he believed the said representation and subscribed his thumb impression in his innocence as he happened to be an illiterate person. Some time later on the same day he received a memorandum stating that his request or voluntary retirement was accepted and he was relieved from service with immediate effect. He was also advised to collect the retirement benefits. Thereupon the workman stated to have realised that he was removed from service after obtaining his thumb impression by playing fraud misrepresentation and undue influence. It is therefore contended by the workman that his voluntary retirement was not voluntary and it was only a result of some vitiating circumstances. He therefore claimed reinstatement till the age of superannuation with back wages and other benefits.

(3) The management denied most of the allegations and submitted that the activity of the management was not an industry. (It is convenient to state here itself that this contention of the management was negatived in the writ petition taken to the High Court by the management itself. As such this aspect remained no more an issue). It is the case of the management that no such fraud, misrepresentation or undue influence were exercised by the management against the workman to procure his voluntary retirement. According to management it is the workman that himself came forward

to take voluntary retirement instead of appearing before the medical board and therefore approached the Labour Officer on 22-9-1977. The management contended that the petitioner himself has collected all his retirement benefits and now turned round to assail his on voluntary retirement. It is ultimately submitted that the workman is not entitled to any relief.

(4) In support of his case the workman examined himself as WW1. He marked Exs. W1 to W11. On the other hand, the management examined its labour officer as MW1 and its Office Superintendent as MW2. They also marked Exs. M1 to M10. Heard both sides.

(5) The points that arise for consideration are :

(1) Whether the workman's voluntary retirement is vitiated by undue influence and thereby acquired the status of invalid retrenchment ?

(2) To what relief ?

(6) Point No. 1 : The factum of taking voluntary retirement is obviously not in dispute. The case of the workman is that his voluntary retirement was actuated by fraud, misrepresentation and undue influence. If we go by the terms of reference the undue influence alone stands out to be the vitiating element. The learned counsel for the workman on a question put by the court submitted that undue influence is inclusive of fraud and misrepresentation. But they are distinct concepts though they may overlap in some aspects. Be that as it may, there vitiating elements have to be specifically pleaded in the claim statement of the workman as it is the workman that came to be court undertaking to prove those elements before laying a claim to succeed and get rid of his discharge from service or in the alternative earn compensation on the ground of invalid termination. The pleadings in this context are nothing but the averments in the claim statement filed by the workman. How fraud, misrepresentation and undue influence came to be exercised upon him are better said in his own words as found in the said claim statement. The averments in this regard read as follows :

"Subsequently, he was asked under reference No. L/E/18/77-78/906 dated 21-9-77 of the Labour Officer of Visakhapatnam Dock Labour Board to appear for Medical Examination before the Medical Board in the Dock Labour Board Dispensary on 23-9-77. A notice was served on him on 22-9-1977 when he was off duty and taking rest at his house. He was asked to attend office immediately by the respondent herein. There the Thumb impression was obtained on a printed/typed matter representing that the same is required to protest against the medical examination. The workman herein being innocent and illiterate person, he believed the said representation as true and put his thumb impression. Some time later on the same day he received Memorandum No. P1/20/2253, dated 22-9-1977 wherein it was stated that his request for voluntary retirement was accepted and he was relieved from service with immediate effect. He was also advised to collect the retirement benefit amounts etc. and ultimately he realised and learnt from the impugned order of removal of his service from the Dock Labour Board, Visakhapatnam that his thumb impression was taken by fraud, misrepresentation and undue influence."

A close examination of the averments makes it abundantly clear that the mischief that was allegedly played upon him answers the description of misrepresentation but surely not undue influence. Though it may to a certain extent fall within the range of fraud. It is a matter of common knowledge that fraud, misrepresentation and undue influence have to be pleaded with procession and proved to the hilt. Even in the basic fact as to how he happened to be at the office on 22-9-77 there is a variance in his versions as found on comparison between his pleadings and proof in that regard. In the pleadings the workman averred that a notice was served on him on 22-9-77 when he was off duty and taking rest at his house. But in the deposition he stated as follows :

"On 22nd I was off the duty as it happened to be a off day for me. I was away from the home. As I returned to home I was told that the management

labour officer sent for me. So I proceeded to the office"

In proving these three types of elements that vitiate the very event one has to be very meticulous. Even in the aspect of being at the office on 22-9-77, the fateful day, the workman gave prevaricating versions. More than this the workman did not even whisper in the claim statement that it was the labour officer that played this mischief. In fact, he did not say in his claim statement as to who was the person that made a misrepresentation to him to induce him to put his thumb impressions. In fact, he deliberately left it to come out on his convenience, with the name of the person or for that matter the designation of the person that allegedly obtained his thumb impression on a printed/typed matter. It is for the first time that the workman stated that it was the Labour Officer that played this fraud. This kind of prevaricating versions in a very sensitive exercise of avoiding otherwise voluntary retirement definitely goes a long way only to disbelieve the propounder of that vitiating element. Even in the chief examination, he scrupulously avoided naming the persons that exercised undue influence if at all it is any undue influence to take voluntary retirement and also the retiral benefits. The kind of ambiguity itself renders the self-serving testimony of the workman all the more uninspiring. Strictly speaking the reference confines itself only to the element of undue influence as being the element vitiating the voluntary retirement. If we go by the averments in the claim statements there are absolutely no ingredients of undue influence as having been exercised upon the workman as already pointed out. In fact, this tribunal is not supposed to overstep the scope of the reference and this limitation is very much there embodied in Sec 10(4) of the Industrial Disputes Act. The learned counsel could not place any authority before this court to show that in a case against undue influence even the examination into fraud and misrepresentation attains the status of matter incidental thereto. In these circumstances I am firmly of the opinion that the workman failed to establish the vitiating elements that would set at naught the voluntary retirement.

(9) Point No. 2 : In view of the finding above, I feel that the workman does not reverse any relief. Accordingly the reference is answered passing a nil award. There shall be no order as to costs in the circumstances of the case.

Dictated to steno transcribed by her given under my hand and seal of the court this the 29th day of July, 1998.

K. SATYANAND, Presiding Officer

APPENDIX OF EVIDENCE IN I.T.I.D. No. 10/95(C)

WITNESSES EXAMINED

WORKMAN :	FOR MANAGEMENT:
WW1 : Chandrayya.	MW1 : Bharat Kumar,
	MW2 : P. V. Krishna.

DOCUMENTS MARKED

FOR WORKMAN :

- Ex. W1 : 5th. 1964, Memorandum by Admn. Manager DIB, Vsp.
- Ex. W2 : Slip showing leave granted to workman.
- Ex. M3 : 10-6-78 : Representation to ALC(C), Vsp by workman.
- Ex. W4 : 8-5-78 : Letter to ALC(C) Vsp by Vsp DIB.
- Ex. W5 : Representation to ALC(C) Vsp. by workman.
- Ex. W6 : 10-5-78 : Letter to workman by ALC(C) Vsp.
- Ex. W7 : 15-10-86 : Letter to ALC(C) Vsp by A. V. Sambasivarao.
- Ex. W8 : 11-7-90 : Order in MP 149/89 in I.D. 80/88 dt. 11-7-90.

Ex. W9 : 26-7-90 : Order in WPMP No. 13569/90 in WP 10658/90 of HC of AP.

Ex. W10 : 161-91 : Order in WVMP 2091/90 in WPMP 13569/90 in WP 10659/90 of High Court of A.P.

Ex. W 11 : 7-12-94 : Order in WP No. 10658/90 dt. 7-12-94 of High Court of A.P. Hyd.

FOR MANAGEMENT :

Ex. M1 : 22-9-77 : Representation of workman Reg. availing voluntary retirement scheme.

Ex. M2 : Book : Cash Book (page No. 117 entry in Cash book).

Ex. M3 : Book : Ledger (Page No. 179 entry in ledger).

Ex. M 4 : Identity card of the workman.

Ex. M 5 22-9-77 : Voluntary retirement acceptance letter of B. Chandrabah.

Ex. M6 : 21-9-77 : Copy of letter of management reg. workman appearance for medical examination.

Ex. M7 : 22-9-77 : Voluntary retirement acceptance letter of B. S. Simbadri.

Ex. M8 : 22-9-77 : Representation letter of B. Simbadri Reg. availing voluntary retirement scheme.

Ex. M9 : 22-9-77 : Representation letter of P. Somulu Reg. availing voluntary retirement scheme.

Ex. M10 : Voluntary retirement acceptance letter of P. Somulu.

नई दिल्ली, 12 अक्टूबर, 1998

का.आ. 2209—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, ओरनाट मल्टी मोडल कैरियर प्राइवेट लि. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच अन्तर्बन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-98 को प्राप्त हुआ था।

[नं. एल-31012/1/94-आई.आर. (विवाद)]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 12th October, 1998

S.O. 2209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Ornate Multi Model Carriers Pvt. Ltd., and their workmen, which was received by the Central Government on the 12-10-1998.

[No. L-31012/1/94-IR(Misc.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice C. V. Govardhan,

Presiding Officer

Reference No. CGIT-57 of 1994

PARTIES :

Employers in relation to the management of M/s. Ornate Multi-Model Carriers Pvt. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Applicant : Shri M. B. Anchan, Advocate.

For the workmen : Shri P. M. Patel, Advocate. Mumbai, dated the 11th day of September, 1998

AWARD

1. The Central Government has referred the following dispute between M/s. Ornate Multi-Model Carriers Pvt. Ltd. and Shri Daji Dada Pawar and 24 others for adjudication by this Tribunal.

“Whether the demand of Shri Daji Dada Pawar and 24 others for their reinstatement with full back wages and continuity in service from 24-10-92 against the management of M/s. Ornate Multi-Model Carriers in justified? If so, what relief are the workmen raising the dispute entitled to?”

2. The claim of the workmen is briefly as follows :

The workmen were in employment continuously for more than three years and are with National Freight Carriers which is a division of Ornate Multi-Model Carriers Pvt. Ltd., and their as cleaners. Their services were terminated without payment of compensation or issuing of notice under sec. 25F of the Act. The workmen, therefore raised the dispute before the Conciliation Officer against M/s. Ornate Multi-Model Carriers Pvt. Ltd seeking re-instatement with continuity of services and full back wages. There was no reply. A charter of demand was made and there was no reply to the same also. Conciliation proceedings were initiated. As the matter went on dragging the workmen filed a writ petition in the High court. There upon, the Conciliation Officer filed his failure report and forwarded the same to the Union of India. The Union of India declined to make reference on the ground that the workmen have not put in more than one year of service and hence reference is not necessary. It was challenged by way of writ petition. The

writ petition was allowed with a direction to the Government to make a reference.

3. The establishment that M/s. Ornate Multi-Model Carriers (Private) Limited is governed by the Bombay Shops and Establishment Act, 1947. The employer is therefore to follow the procedure under section 62 of the Bombay Shops and Establishments Act. But it was not followed by the Employer. Termination of the workmen without issuing any notice or without paying any compensation is bad in law. Hence the claim for re-instatement and other reliefs.

4. The management in their written statement contends as follows :

M/s. Ornate Multi-Model Carriers Pvt. Ltd. is a newly incorporated company which came into existence from 17-9-1992. When the Company took over the business of M/s. National Freight Carriers on 17-9-92, it has not taken the liabilities of all the workmen who were working in M/s. National Freight Carriers. The Memorandum of Settlement was entered into between National Freight Carriers and the Transport and Dock Workers' Union on 22-10-1992 before the Regional Labour Commissioner (Central) Bombay. Only those workmen who have completed 240 days of attendance were taken back in service by the Company in terms of the settlement. 52 workers who have not completed 240 days attendance were not taken in service. There is no employer-employee relationship between the workmen herein and the management. The Management submitted that 25 workmen concerned in the above reference joined the service of M/s. National Freight Carriers only in July, 1992. Their service came to an end with effect from 24-10-92, the date of Memorandum of Settlement. Out of these 25 workmen only 18 signed the Demand dt. 16-11-92. 20 workers have approached Conciliation Officer. The claim statement has been prepared only by seven workers. The workmen are not interested in prosecuting the reference. The workmen herein were appointed on casual basis by M/s. National Freight Carriers and they are not entitled to reliefs asked for. The allegations that the workers have completed more than three years of service or more than 240 days is not correct. The management has not employed these workmen and they have not terminated the services of these workmen. Therefore, they are not entitled to any relief asked for. Their claim has to be rejected.

5. The point for consideration is whether the workmen herein are entitled to an order of re-instatement with full back wages and continuity of service on the ground that they are permanent of M/s. Ornate Multi-Model Carriers Pvt. Ltd.

The Point

1. This reference has been made on behalf of 25 workmen who claimed to have been in continuous service for more than three years with M/s. Ornate Multi-Model Carriers Pvt. Ltd. The claim statement has been signed only by 7 people. The Management contends that their company has been incorporated only on 17-9-92 when they took over the business of M/s. National Freight Carriers and the fact that the claim of the workmen that they have been in continuous service for 3 years is not correct and the fact that the claim statement has been signed by seven workmen would by itself show that others are not interested in this dispute. All the 7 workmen have filed affidavits reiterating their stand in the claim statement, but only 2 of them have been cross-examined. On the suggestion by the Learned Advocate for the workmen that the cross examination of other workmen is also likely to be on the same line and the answers are also likely to be identical and the cross examination of other witnesses is not necessary, the other workmen were not cross-examined and the statement made by the two workers, Mr. Pawar and Mr. Katkar, during cross-examination are considered as the statement given by the other workmen also. The workman Mr. Pawar has been examined as WW-1 and he has admitted that he was appointed initially by M/s. National Freight Carriers. M/s. Ornate Multi-Model Carriers Pvt. Ltd. was established on 17-9-92. At one stage of the cross-examination he has stated that he worked in National Freight Carriers in permanent capacity from July, 1992 to October, 1992. At another stage he has stated that he joined the service of National Freight Carriers on 12-3-91 and served upto 24-10-92. It is also stated by him that no letter of appointment in permanent capacity was issued to him. At the same time he would admit that payment slip would show that he was employed permanently. But he has admitted that he has not produced any payment slip. No explanation has been given by him for not producing the payment slip, which would clinchingly establish his case that he was a permanent employee of National Freight Carriers. It is admitted by him that he did not inform the present employer namely M/s. Ornate Multi-Model Carriers Pvt. Ltd. that he has worked for more than 240 days. No explanation has been given by him as to why he had not informed the present employer about the length of service he had put in with National Freight Carriers. The evidence of WW-1 therefore, is not in any way helpful to the workmen to establish that the workmen herein have worked under National Freight Carriers for more than 3 years as claimed by them.

It has not even been established that he has worked for more than 240 days.

6. The second witness examined on behalf of the workman Shri Katkar. During cross-examination he has admitted that there was no written appointment letter issued to him when he was appointed on 10th June, 1990 by M/s. National Freight Carriers. It is admitted by him that he does not have any record pertaining to his service. It is also admitted by him that he was no documentary evidence about the service in temporary capacity. This witness has stated that he has got salary slips but would say that there is nothing mentioned in the salary slips as to whether he was made permanent or not. This evidence of WW-2 is in contradiction of the witness WW-1 which is to the effect the payment slips issued to him would show that he was a permanent employee. There is no explanation for this contradiction between the two witnesses who claimed to be permanent workers of M/s. National Freight Carriers upto 16-9-92 and of M/s. Ornate Multi-Model Carriers Pvt. Ltd. after 17-9-92.

7. WW-2 Mr. Katkar has admitted that he knew that the Company had made a Settlement with the Union to the effect that those who have worked for more than 240 days would be absorbed. The Learned Counsel appearing for the management has also drawn the attention of this Court to the settlement between the Employer and National Freight Carriers and the Union which gives the names of the permanent employees who have to be taken over. Admittedly WW-2 he had not written the letter to the Company stating that he had completed 240 days and be absorbed. There is no explanation by either WW-1 or WW-2 as to why their names did not find a place in the list of workmen who have completed more than 240 days in the settlement between the Union and the Employer. It only goes to show that the claim of the workmen that they have put more than 3 years much less 240 days cannot be correct.

8. MW-1 is the Manager of M/s. Ornate Multi-Model Carriers Pvt. Ltd. since 17-9-92. He has produced the Attendance register from June '92 and from the above Attendance Register the name of this workman is found only from July '92 not in the month of June 92. According to MW-1 the earlier Attendance register have been destroyed in a fire accident and the fire accident has been proved by the report to the Police which has been marked as Ex-1 and F.I.R. marked by the management. During cross-examination MW-1 has been confronted with a Dock Entry Permit and he has stated that Mr. D'Souza of National Freight Carriers alone can explain as to why it has been issued. Mr. D'Souza has been designated as MW-2. He has admitted having issued temporary Dock Entry Permit for 30 days from 5-3-91 to 5-4-91 to one of the employee namely Mr. Dattu

Sukndev Parekar. MW-2 would say that this particular application was made for grant of temporary dock entry permit for casual workmen. He has also explained that Ex-3 by stating that since it was not possible for them to make applications daily for issue of permits to casual workmen he used to make applications for a month or so and whenever required the service of such a workman he would utilize such service and such services are purely casual. It is to be noted that this workman has not been cross examined by learned Advocate for management at the instance of the Learned Advocate for the workman. The learned Counsel appearing for the management argued that this witness has explained the application for Dock Entry Pass and it was of a casual nature and the worker has not shown that he gained entry on all the 30 days between 5-3-91 to 5-4-91. According to the learned Counsel even assuming this workman has obtained pass for 30 days in 1991, it does not necessarily follow that he has been given such a pass from 1991 to 1992. The cross examination MW-2 and the explanation given by MW2 under what circumstances he has applied for temporary dock entry permit is satisfactory. No inference can be drawn by the particular pass with effect that the worker Mr. Parekar was in continuous service from 5-3-91 to 27-10-92 and similarly other workmen were also employed under the National Freight Carriers and subsequently by M/s. Ornate Multi-Model Carriers Pvt. Ltd., the absence of any evidence, the claim of the petitioner or workmen that they have put in 240 days of continuous employment and therefore, their termination is in violation of the provisions of the Industrial Disputes Act cannot be accepted. This conclusion of mine is further strengthened by the documentary evidence, viz., the Attendance Register and direction to the Bank by the employer which shows that these workmen have attended their work and received wages only from July, 1992.

9. The Learned Counsel appearing for the workmen relied upon the decision reported in 1988 I CLR 416 between N. L. Mehta Cinema Ent. P. Ltd. Vs. Vijay G. Shivgan and others and has argued that termination of service of an employee without notice is bad in law as per the provision of section 64 of the Bombay Shops and Establishment Act and similarly termination of the service of these workmen is bad in law. In the reported case it is admitted that the workmen had worked for nearly 6 months. In the present case the workmen herein have worked only from the date of incorporation of the management company namely 17-7-92 to 24-10-92. Further these workmen are governed under the Motor and Transport Workers Act and they are not governed under the Bombay Shops and Establishment Act. Therefore, I am of the opinion that the decision

relied by the learned counsel appearing for the workmen cannot be relied upon to hold that the termination of service of the workmen herein is bad in law.

10. Considering the above materials the reference is answered as follows :

"The demand of Shri Daji Dada Pawar and 24 others for the reinstatement with full back wages and continuity in service from 24-2-92 against the management of M/s. Ornate Multi-Modal Carriers Pvt. Ltd. is not justified and they are not entitled to any relief. I hold on the point accordingly".

In the result an Award is passed dismissing the claim and holding that the demand of Shri Daji Dada Pawar and 24 others for their reinstatement with full back wages and continuity in service is not justified.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1998

का.आ. 2210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सी.एम.पी.डी.आई. के प्रवर्धन के संबंध में निविदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण नवम्बर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[मं. एल-22012/312/92-आई.आर. (सी-II)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C. M. P. D. I. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/312/92-IR C-II]

V. K. RAJAN, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA

BHUBANESWAR.

PRESENT :

Sri H. Mohapatra. O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal
Orissa, Bhubaneswar.

Industrial Dispute Case No. 5 of 1993 (Central)
Dated, Bhubaneswar, the 15th September, 1998

BETWEEN

The management of Central Mine
Planning & Design Institute Ltd.,
Gruha Nirman Bhawan,
Bhubaneswar.

... First Party-
management.

AND

Their workman Sri P.K.S. Kurup
represented through National Coal
Organisation Employees' Association,
Camp : Gopalpur, P.O. Gopalpur,
Dist. : Sundergarh.

... Second Party-
workman.

APPEARANCES :

Sri N. K. Mishra, Advocate & Sri S. A. Khan,
Sr. Personnel Officer.

For the first Party—management.

Sri P. K. S. Kurup.

The Second Party—workman himself

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/312/92-IR (C.II) dated 29-1-93 .

"Whether the action of the management of Central Mine Planning and Design Institute, Bhubaneswar, not giving promotion as UDC to Shri P. K. S. Kurup w.e.f. 24-4-87 and given promotion from 17-11-87 and financial benefits from 1-7-90 was justified ? If not, to what relief the workman is entitled to ?"

2. Sri N. K. Mishra, Advocate for the management is present with Sri S. A. Khan, Senior Personnel Officer. The workman Sri P.K.S. Kurup is present.

3. Both the parties filed a petition praying for an Award in terms of the tripartite settlement arrived at between them on 3-4-98. The terms of the settlement are read over and explained to the representative of the management and the workman and they admit them to be correct. The terms of settlement so far as it relates to the workman seem fair and acceptable. Hence, the compromise is accepted and the Award may be made in terms of the settlement.

Dt. 15-9-98.

H. MOHAPATRA, Presiding Officer

MEMORANDUM OF SETTLEMENT BETWEEN THE MANAGEMENT OF CENTRAL MINE PLANNING & DESIGN INSTITUTE LIMITED, GONDWANA PLACE, KANKE ROAD, RANCHI-834008 & THEIR WORKMEN REPRESENTED BY THE UNION NATIONAL COAL ORGANISATION EMPLOYEES ASSOCIATION (CITU), RANCHI DURING NEGOTIATIONS AT RANCHI ON 3-4-1998

REPRESENTING MANAGEMENT :

1. Sri G. S. Choubey, General Manager (P&A).
2. Sri Uday Prakash, Dy. PM (IR)).

REPRESENTING WORKMEN | UNION :

1. Sri Amal Bhattacharjee, Addl. Genl. Secy., NCOEA.
2. Sri R. P. Singh, Asst. Genl. Secy., NCOEA.

SHORT RECITAL OF THE CASE

This is a case wherein three numbers of Industrial Disputes/Complaint Case on being raised by the Union NCOEA/NCWC/Individual Workman on alleged irregular promotion in the Clerical Cadre of Drilling discipline are pending in the different Courts for adjudication decision. The references are as follows :—

- (a) "Whether the action of the Management of CMPDIL, BBSR not giving promotion as UDC to Sri P.K.S. Kurup w.e.f. 24-4-87 & giving promotion from 17-11-87 and financial benefit from 1-7-90 was justified ? If not, to what relief the workman is entitled for ?"

This dispute being espoused by Union NCOEA (CITU), BBSR pending with the CGIT, Bhubaneswar.

- (b) "Whether the action of the Management of CMPDIL, Ranchi is justified in not promoting the workmen Sri K. A. Phillip and Sri Cherrian Issac w.e.f. 24-4-87 as UDC Clerk Gr. I and as Sr. Clerk (Special Grade) w.e.f. 8-10-91 from the date his junior S/Sri Laxman Mondal and Daud Ali and others were promoted ? If not to what relief workmen are entitled and from which date ?"

This dispute being espoused by Union, NCWC, Ranchi is pending with the learned Tribunal No. II, Dhanbad.

- (c) In the case before the Industrial Court, Nagpur, the complaint case filed by Sri P. Hood being (ULPA) No. 961/92 relates to claim of Sri Hood for promotion as UDC w.e.f. 15-3-84 and further promotion etc. resulting thereof.

In view of the pendency of the above Industrial disputes/cases the Union NCOEA came forward with the approach that they are agreeable to settle the case of the workmen concerning and seniority of clerical cadre of drilling discipline outside the Court. The matter was even discussed in the J.C.C. meeting at CMPDI (HQ) level on 8-12-97. Series of discussions were held with the representatives of NCOEA Union. At last it was agreed to settle this case outside the Court on the following terms of reference :

TERMS OF SETTLEMENT

It was agreed :

1. That the entire seniority of the workmen clerical cadre of drilling discipline including the workmen appearing in above mentioned disputes and complaint case shall be arranged afresh as shown in the seniority list Annexure-A. The parties have agreed that the seniority so arranged in Annexure-A shall be final and binding to them.
2. That as the workmen appearing in Annexure-A have been promoted as UDC in the year 1987, 88, therefore, in order to maintain uniformity in the seniority of UDC Grade, the deemed date of promotion as UDC in respect of all the workmen appearing in the Annexure-A shall be effected on and from 25-4-87.
3. That Union has agreed that in view of above deemed promotion in UDC Grade in respect of the workmen of the annexed Annexure A, no monitory benefit whatsoever, arising thereof will be paid to any of the workmen and they shall not claim any monitory benefit retrospectively.
4. The Union has agreed that as some of the workmen appearing in the Annexure-A have been promoted as Senior Clerk in the year 1991 therefore in order to maintain uniformity in the seniority of Sr. Clerk grade, the deemed date of promotion as Sr. Clerk in respect of all the workmen appearing in the Annexed list-A may be effected on and from 8-10-1991.
5. The Union has agreed that in view of notional promotion as Senior Clerk in respect of the workmen of Annexed list-A no monitory benefit; whatsoever, arising thereof will be paid to any of the workmen and the Union shall not claim monitory benefit with retrospective effect.

6. That the pre-stated promotion; as UDC and Senior Clerk of the concerned workmen; of the annexed list w.e.f. 25-4-87 and 8-10-91 respectively; will be fitted notionally and monetary benefit arising out of such fitment will be paid only on and from the date of settlement after doing fixation etc.
7. That this settlement is full and final of all the disputes concerning the case of seniority of the clerical cadre of drilling discipline in respect of the workmen appearing in the annexed list-A and also in respect of the claims arising out of Industrial dispute/case pending with the appropriate Court/Tribunal at Bhubaneswar, Nagpur and Dhanbad. It is further agreed that neither the Union nor any of the individual workmen appearing in the annexed list-A will make any further claim whatsoever; over the above terms of settlement. The disputes cases remain settled for ever.
8. That the workmen who are appearing in the Industrial dispute reference pending before Learned Tribunal, BBSR under Ref. No. 5/93 & appearing in Complaint Case being ULPA No. 961/92 before Industrial Court, Nagpur and the other workmen who are appearing in the annexed list-A will not get any benefit out of the award which may be passed by the Tribunal at Dhanbad in Ref. No. 62/95. This settlement is full and final in respect of all the workmen appearing in the annexed list-A.
9. In view of the above terms of settlement, the parties shall file petition before the CGIT, BBSR & Industrial Court, Nagpur for a No Dispute Award or alternatively the parties have agreed the terms of this settlement shall form part of a Settlement Award to be recorded by the appearing in the annexed list-A.
10. This settlement shall be implemented with 30 (thirty) days from the date of this settlement.

Signed on this the 3rd of April 1998.

On behalf of the Management :

1. S/d. (G.S. Choubey, GM (P&A), CMPDI)
2. S/d. (Uday Prakash, Dy. PM (IR))

On behalf of the workmen/Union :

1. S/d. (Amal Bhattacharjee, AGS, NCOEA)
2. S/d. (R.P. Singh, AGS, NCOEA)

Witness :

1. S/d. (Samir Biswas)
2. Sd. (Lalit Kumar Sinha)

ANNEXURE—'A'

Sl. No.	Name	Date of birth	Qualification	Date of initial appointment	Sen. position in LDC considering their date of regularisation as LDC in terms on A.I. 17-12-81	Date of coming in LDC	Seniority Position in Proposed	Committee Finding	Existing as on 9-9-96	Date of coming in Sr. Clerk	Seniority position in Sr. Clerk as on 9-10-91
1	2	3	4	5	6	7	8	9	10	11	12
1.	Sri S.M. Chaturvedi	2-1-47	H.S.	12-8-74	1-1-79	25-4-87 21-11-87(A)	1	14(DPC)	1	—	—
2.	Sri Qurban Hussain	13-10-51	I.A.	18-12-76	1-1-79	25-4-87 28-4-87(A)	2	06(TT)	—	9-10-91	6
3.	Sri R.A. Thakur	3-5-58	I.A.	10-5-77	1-1-79	25-4-87 14-11-87 (A)	3	13(DPC)	07	—	—
4.	Sri H.B. Tripathi	1-8-53	H.S.	25-5-77	1-1-79	25-4-87 18-11-87(A)	4	16(DPC)	03	—	—
5.	Sri M. Ghosh	2-1-45	S.F.	26-5-77	1-1-79	25-4-87	—	04(TT)	—	Expired	—
6.	Sri K.A. Phillip	7-3-51	SSLC	26-5-77	1-1-79	25-4-87 13-11-87(A)	5	15(DPC)	04	—	—

1	2	3	4	5	6	7	8	9	10	11	12
7. Sri P. Hood	8-5-53	B.Com. Pt.-II	13-9-77	1-1-79	25-4-87 7-12-87(A)	6	17(DPC)	05	—	—	—
8. Sri C. Issac	28-11-53	P.U. Course	16-2-78	1-1-79	25-4-87 13-11-87(A)	7	18(DPC)	06	—	—	—
9. Sri R.M. Mondal	7-12-57	H.S.	16-2-78	1-1-79	25-4-87 13-11-87(A)	8	19(DPC)	16	—	—	—
10. Sri L.C. Mondal	2-1-56	S.F.	20-2-78	1-1-79	25-4-87 25-4-87(A)	9	02(TT)	—	10-10-91	8	—
11. Sri P.K. Jaiswal	31-1-57	Matric	1-6-78	1-1-79	25-4-87 31-3-84(A)	10	01(DPC)	—	8-10-91	7	—
12. Sri Daud Ali	13-7-58	B.A. failed	5-9-78	1-1-79	25-4-87 20-4-87(A)	11	07(TT)	—	10-10-91	9	—
13. Sri H. Karamkar	14-4-39	S.F.	17-11-78	1-1-79	25-4-87 14-11-87(A)	12	20(DPC)	09	—	—	—
14. Sri C.L. Singh	22-10-52	H.S. Failed	17-11-78	1-1-79	25-4-87 8-3-88(A)	13	21(DPC)	10	—	—	—
15. Sri V.K. Sancha (ST)	10-7-59	I.A.	21-12-78	1-1-79	25-4-87 8-5-87(A)	14	11(TT)	—	10-10-91	10	—
16. Sri R.Y. Sah	12-5-56	Matric	22-12-78	1-1-79	25-4-87 27-1-88(A)	15	22(DPC)	11	—	—	—
17. Sri D.N.P. Sinha	7-7-48	B.A.	30-12-78	1-1-79	25-4-87 15-12-87(A)	16	23(DPC)	12	—	—	—
18. Sri Iqbal Ibrahim	1-9-55	I.A.	12-2-79	1-1-79	25-4-87 2-5-87(A)	17	09(TT)	2	—	—	—
19. Sri R.S. Gupta	21-1-56	I.Sc.	31-5-79	1-1-79	25-4-87 7-11-87(A)	18	24(DPC)	23	—	—	—
20. Sri R.H. Upadhyay	21-2-53	HSSC	—	1-1-79	25-4-87 1-2-89(A)	19	25(DPC)	08	—	—	—
21. Sri A.S. Inqole	11-1-54	SSC	—	1-1-79	25-4-87 1-2-88 (A)	20	26(DPC)	13	—	—	—
22. Sri D. Dutta	4-5-47	H.S.	31-12-76	29-2-79	25-4-87 11-11-87(A)	21	27(DPC)	15	—	—	—
23. Sri G.R. Das	15-10-47	B.Com.	25-1-78	31-3-79	25-4-87 12-11-87(A)	—	Transferred to CIL	—	—	—	—
24. Sri P. Tripathi	25-9-58	Matric/ III	1-1-80	1-1-80	25-4-87 7-5-87(A)	22	10(TT)	17	—	—	—
25. Sri N.K. Dallal	15-10-51	B.Com. Pt.-II	1-10-80	1-10-80	25-4-87 24-11-87(A)	23	29(DPC)	18	—	—	—
26. Sri R.K. Soni	22-10-60	HSSC	1-10-80	1-10-80	25-4-87 17-11-87(A)	24	30(DPC)	19	—	—	—
27. Sri Raju Phillip	1-11-55	SSLC	1-1-79	1-9-81	25-4-87 17-11-87(A)	25	31(DPC)	14	—	—	—
28. Sri P.K.S. Kurup	24-3-57	SSLC	1-11-81	1-11-81	25-4-87 17-11-87(A)	26	32(DPC)	24	—	—	—
29. Sri K. Lukanna	1-6-52	B.Sc. 3rd Yr.	—	1-6-83	25-4-87 27-4-87(A)	27	03(TT)	—	9-10-91	11	—
30. Smt. J.C. Chacko	10-4-57	SSLC	—	1-6-83	25-4-87 27-4-87(A)	28	05(TT)	20	—	—	—
31. Sri P. Murli	9-4-59	B.Com.	—	1-6-83	25-4-87 29-4-87(A)	29	08(TT)	22	—	—	—
32. Sri K.V. Nair	15-3-58	Matric	—	1-6-83	25-4-87 9-5-87(A)	30	12(TT)	21	—	—	—

(A)—s has actual date of coming in UDC as per the above information has been called from the seniority list of Birth discipline which is in obedience.

नई दिल्ली, 6 अक्टूबर, 1998

का.भा. 2211—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं. एल-22012/207/96-आई.आर. (सी-II)]

बी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C. Ltd. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/207/96-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER :
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 180/97(C)

Dated, the 30th July, 1998

PRESENT:

Shri R. N. Biswal, LL.M.,
(S.J.S. Sr. Branch)
Presiding Officer
Industrial Tribunal,
Rourkela

BETWEEN

The General Manager
Orient Area, MCL
PO: Brajragnagar,
Dist: Jharsuguda

.. Ist party

AND

The Joint Secretary
Rashtriya Koyala Khadan
Mazdoor Sangh,
PO: Brajragnagar,
Dist: Jharsuguda

.. IInd party

APPEARANCE:

For the Ist party ... None
For the IInd party ... None

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-22012/207/96-IR (C-II) for adjudication:

"Whether the action of the management of Orient Area of Mahanadi Coal Fields Ltd., Brajragnagar, in not regularising the services of Sh. B. K. Puhan, Casual Worker is legal and justified? If not, to what relief is the workman is entitled and from which date?"

2. The case was fixed on 22-7-98 for hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute outside the Court in the mean time.

Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer.

नई दिल्ली, 6 अक्टूबर, 1998

का.भा. 2212—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण राउरकेला के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं. एल-22012/53/95-आई.आर. (सी-II)]

बी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C. Ltd. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/53/95-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER:
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Tribunal Case No. 86/97 (C)

Dated, the 31st July, 1998

PRESENT:

Shri R. N. Biswal, LL.M.,
(S.J.S. Sr. Branch)
Presiding Officer
Industrial Tribunal,
Rourkela.

BETWEEN

General Manager
Orient Area MCL
Brajragnagar
Jharsuguda

.. Ist party

AND

The Joint Secretary
Brajragnagar Coal Mines,
Workers Union, Lamtibahal
Brajragnagar

.. IInd party

APPEARANCE

For the Ist party .. None
For the IInd party .. None

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-22012/53/95-IR(C-II) dt. 7-8-95 for adjudication:

"Whether the action of the management in mine no. 4 Orient Area, Mahanadi Coal Fields Ltd. (Erstwhile name South Eastern Coal Fields Ltd.) PO: Brajarajnagar, Dist: Jharsuguda terminating the services of Sh. Surjee Khadia from November, 1990 was justified? If not, what relief the workman is entitled to?"

2. The case was fixed on 27-7-98 for ex-parte hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute outside the Court in the mean time. Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1998

का.प्र. 2213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं. एल-22012/291/95-आई.आर. (सी-II)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C. Ltd. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/291/95-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER:
INDUSTRIAL TRIBUNAL; ROURKELA

Industrial Dispute Case No. 102/97 (C)

Dated, the 7th August, 1998

PRESENT:

Shri R. N. Biswal, LL.M.,
(S.J.S. Sr. Branch)
Presiding Officer
Industrial Tribunal,
Rourkela.

BETWEEN:

The Gen. Manager,
Mahanadi Coalfields,
Brajarajnagar .. Ist part

AND

Sh. Mahendra Dhurua
At: Bundia (Telengachar)
PO: R. Kadapali,
Via : Brajarajnagar
Dist: Jharsuguda-768201 ... IInd part

APPEARANCE :

For the Ist party .. None
For the IInd party .. None

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-22012(291)-95-IR (C II) dt. 30-1-96 for adjudication.

"Whether the action of the management of Hirakhand Bundia Incline, Rampur Sub-Area, Mahanadi Coal Fields Ltd PO: Brajarajnagar, Dist: Jharsuguda in not allowing to duty to Sh. Mahendra Dhurua w.e.f. 3-3-93 was justified? If not, what relief the workman is entitled to?"

2. The case was fixed on 5-8-98 for ex-parte hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute outside the Court in the mean time. Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1998

का.प्र. 2214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं. एल-22012/70/95-आई.आर. (सी-I)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C. Ltd. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/70/95-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER:
INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No. 88/97(C)

Dated, the 31st July, 1998

PRESENT:

Shri R. N. Biswal, LL.M.,
(S.J.S. Sr. Branch)
Presiding Officer
Industrial Tribunal,
Rourkela.

BETWEEN

The General Manager
Orient Area MCL,
Brajrajnagar, Jharsuguda

.. Ist party

AND

Jt. Secretary
Brajrajnagar Coal Mines
Workers Union, (AITUC)
Brajrajnagar, Jharsuguda

.. IInd party

APPEARANCE:

For the Ist party ... None
For the IInd party ... None

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-22012/70/95-IR (C-II) dated 29-8-95 for adjudication :

"Whether the action of the management of Mine No. 3 Orient Area, Mahanadi Coal Fields Ltd. (Earstwhile name South Eastern Coal Fields Ltd.) PO: Brajrajnagar Dist.: Jharsuguda terminating the services of Sh. Digambar, S/o Bhakta w.e.f. 27-08-87 was justified? If not, to what relief the workman is entitled to?"

2. The case was fixed on 27-7-98 for ex-parte hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute out side the Court in the mean time. Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1998

का.भा. 2215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण आसाम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं.एल-22012/72/96-आई.आर. (सी-II)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 6th October, 1998

S.O. 2215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Assam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 5-10-98.

[No. L-22012/72/96-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL: GUWAHATI:
ASSAM

Reference No. 4(C) of 1997

PRESENT:

Shri D. Hazarika, M.O., LL.B.,
Presiding Officer,
Industrial Tribunal, Guwahati.
In the matter of an Industrial Dispute

BETWEEN

The Management of
Food Corporation of India, Guwahati.

AND

Shri Akshay Kumar Kalita,
Workman.

APPEARANCE :

Shri B. Sharma, Advocate : For the Management.

Shri G. N. Das, Advocate : For the Workman

AWARD

1. The Govt. of India, Ministry of Labour New Delhi, by a notification No. L-22012/72/96-IR (C-II) dated 24-2-97, made a reference to this Tribunal for adjudication of a dispute between the Management of Food Corporation of India, Guwahati, and their workman, Shri Akshay Kumar Kalita, with copies to both the parties. On receipt of the reference notices were sent to both the parties to appear before this Tribunal and to file their written statements. The dispute/issue under reference reads as follows:

"Whether the action of the management of FCI, Guwahati Region in terminating the services of Shri Akshay Kumar Kalita w.e.f. March, 85 is legal and justified? If not, what relief is the workmen entitled to?"

2. The workman in his written statement *inter alia* averred that he (workman) was working as casual worker in Tihu, F.S.D., under administrative control of the District Manager, F.C.I., Guwahati since November, 1981, and he was getting his daily wages regularly. He (workman) was regularly working from November, 1981 to February, 1985. The workman was entitled to continue in his employment. But the Depot Incharge asked him verbally to stop his working suddenly in February, 1985 without assigning any reason. The management arbitrarily and illegally terminated his services in February, 1985. He (workman) had been serving for a long period. So his termination of service verbally without assigning any reason is void ab-initio. His services cannot be terminated without complying with the requirements of Section 25-F of the Industrial Disputes Act, 1947. The termination of services of the workman, with effect from February, 1985 without following the provisions of Section 25-F and 25-H of the I.D. Act, was wholly unjustified and the workman is entitled to be reinstated with full financial benefits. During the long period of his service, the workman was paid his wages by the management. But prior to his retrenchment, the workman was not given any notice or compensation. The workman was retrenched in arbitrary manner. After his retrenchment, the management had been given employment to some other persons. The workman had been praying before the management to re-instate him. But he was not given opportunity though he had preference over the other persons engaged. There was a Case No. 13(C)92 since disposed of and awarded by this tribunal in favour of the workman. Sri Monohari Kalita, against the same Management, and situation and nature of which was the same. In that case this Tribunal directed reinstatement of Sri Monohari Kalita (workman) with full back wages holding that termination of his service was illegal. Hence, the workman of this case, Sri Akshay Kumar Kalita, prays for similar award given in the above case [No. 13(C)92].

3. The management in support of their case *inter alia* averred in their written statement that the alleged claim of the workman is barred by limitation. The workman left his job at his own accord without giving any intimation to the management more than 12 years ago. He was neither released nor discharged nor retrenched by the management. During alleged period the services of the workman, under the operation of FSD., Tihu, was carried out by the labourers under contractor. Subsequently contract labour system was abolished and the workers management committee was introduced as per settlement arrived between the FCI, management and FCI workers union and now they are under direct payment system since 1994. The workman was working during the period from 1981 to February, 1985. In February, 1985 he left his job at his own accord without giving any intimation to the management. Since 1985 the workman made no attempt to be member of the worker's management committee, formed by the union of FCI workers to get his job as such. But now after more than 12 years the workman came before the court for relief which is not possible. The workman lost his job at his own default after sitting

idle more than 12 years. So the alleged claim is barred by limitation. As such, the (workman) does not deserve any consideration/relief claimed

4. The management side declined to produce and examine any witness in support of their case in their written statement for which chance of management was closed. The workman, Akshay Kumar Kalita, in support of his case examined himself only. He *inter alia* deposed that he worked as casual labour in the FCI godown of Tihu from 1-4-81. In the last part of February, 1985, the Depot Officer drove him away from his service. At the time of terminating of his service he (workman) was neither given any notice nor any amount of money. After driving him out from service he applied before the Regional Manager, FCI, Ulubari, Guwahati, for reinstating him in his service. But nothing was done. Thereafter he applied before the Labour Commissioner of Central Labour department for reinstating him in his service. Labour Commissioner constituted conciliation, where men from FCI department, Labour department and workmen also attended. But no decision arrived at. Then labour department referred the case to the ministry of labour of central government. Thereafter central labour department referred this case to this Tribunal for adjudication of the dispute. A workman, Manohari Kalita by name, who was working in Tihu, was also retrenched from his service alongwith him. He filed case No. 13(c)92 in this court. This Tribunal by passing its award on 30-8-94 declared the order of termination of services of Manohari Kalita as illegal and directed to reinstate him with full back wages. He (workman of this case) was also illegally terminated from his service. Hence, he (this workman) is also entitled to reinstate in his service with full back wages. In cross-examination also the workman (W.W. No. 1) categorically deposed that he was working as casual labour only. He categorically deposed that he did not know if the casual labours are now working in FCI under control of workers management committee. He did not know how the workers draw their pay now. The workman categorically deposed in cross-examination also that he was not given any paper at the time of his retrenchment from service. On 1st day of March, 1985 Depot Incharge directed him not to come to work. When he enquired as to why he should/would not come to work, the Depot Incharge told him that some order came from head office. He was not shown that order too. The workman denied the suggestion of the learned counsel of the management that the labour system of Tihu was running under contract labour system. The workman categorically deposed in cross-examination also that he received pay from FCI directly. The workman categorically denied the suggestion of the learned counsel of the management to the effect that he deserted his service at his own accord in February, 1985.

5. According to the case and evidence of the workman, Sri Akshay Kumar Kalita, he was working as casual labour in Tihu FCI godown, drawing pay from the FCI department since the year 1981 upto the last part of February, 1985. The management had/has not disputed this piece of evidence and case of the workman to the effect that he (Akshay Kumar Kalita) was a workman serving as a casual labour since the year 1981 upto the last part of February, 1985, that is;

the workman was serving as casual labour, under the management FCI department, continuously for 4 (four) years i.e. more than one year. It appears from the evidence of the workman (W.W. No. 1) that he was verbally ordered by management side to leave his service in the last part of February, 1985. In this connection although management side averred in its written statement that the workman left his service at his own accord, in support of it, management side did not adduce any evidence. So, it is established fact, that is; it is proved that it is the management, who terminated the services of the workman (Akshay Kumar Kalita). It is gathered from the evidence of the workman that at the time of retrenchment of his service by the management he was neither served any notice nor paid any money at all. It is also gathered from the un rebutted evidence of the workman that after his retrenchment of service, he applied twice before the management to reinstate him in his service, but the management did not consider it for which only central labour department referred this case to this Tribunal for adjudication. From the evidence of the workman and the record of the case referred case No. 13(c)92, it is further gathered that one, Mahendhari Kalita (workman) who served under this same management, was retrenched from his service along with the workman of this case, but he was reinstated in his service with full benefit of back wages, by my learned predecessor of this tribunal, by giving award in his favour to the above effect. It appears from the record of the said case [Reference Case No. 13(C)92] that facts and circumstances of both these cases are same. It is un rebutted evidence of the workman (W.W. No. 1) that he received/drew pay directly from the management, FCI. It is already mentioned above that management side declined to adduce any evidence in support of its case as averred in its written statement. Written statement itself is not evidence. Management in their written statement averred that workman's case is barred by limitation. Industrial Disputes Act was designed to provide a self-contained code to compel the parties to resort to industrial arbitration for the resolution of existing or apprehended disputes without prescribing statutory norms for varied and variegated industrial relation norms so that forums created for resolution of disputes may remain unhampered by any statutory control and devised rational norms keeping pace with improved industrial relations reflecting and imbibing socio-economic justice. . . . workmen V. Hindustan Lever Ltd., (1984) 1 SCC 728, 1984 SCC (L&S) 183. The Industrial Disputes Act, 1947, is a progressive piece of Legislation and designed to settle the disputes on a new pattern hitherto unknown to the judicial machinery set in the country. In view of the above decision of the Hon'ble Apex Court and considering facts and circumstances of this case, provisions of Limitation Act are not attracted. Considering the facts and circumstances of the case and evidence on record, I agree with the workman and his learned counsel to their submissions to the effect that the management side violated the provisions of Section 25-F and 25-H of the Industrial Disputes Act, 1947, as not complied with them. Section 25-F is applicable even to a daily rated workman. Workman V. Municipal Corporation of Delhi (1987). 2 LLN 118(T) : (1987) 1 ITR 27

complying with Section 25-F would be void ab-initio. Such action would entitle the workman to a declaration for continuation in service with full back wages. Mohanlal V. Bharat Electronics Ltd., (1981) SCC 225:1981 SCC (L&S) 478. In absence of compliance with pre-requisites of Section 25-F, the retrenchment bringing about the termination would be ab-initio void (1984) 1 SCC 509. 1984 SCC (L&S) 144. Hence, non-compliance with Section 25-F entitles to continuity of service with back wages and not merely to one month's pay in lieu of notice of retrenchment and compensation. Narotam Chopra V. Presiding Officer, Labour Court, 1989 Supp. SCC 97 : 1989 SCC (L&S) 563.

In the light of above discussions and findings, the above issue is decided in negative against the management of FCI, Guwahati Region. It is held that the action of the management of FCI, Guwahati Region, in terminating the services of Shri Akshay Kumar Kalita, the workman of this case, was neither legal nor justified. The case is decided in favour of the workman, Shri Akshay Kumar Kalita.

The workman be reinstated in his service, with all consequential benefits, including full back wages, with effect from the 1st day of March, 1985.

This 'AWARD' is given by me on this the 31st day of August, 1998, under my hand and seal, at this Industrial Tribunal, Guwahati.

D. HAZARIKA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1998

का.प्र. 2216.—प्रौद्योगिक विकास अधिनियम, 1947 (1947 का 14) की धारा-17 के प्रसरण में, केन्द्रीय सरकार द्वारा संघार विभाग, यन्त्रावर के प्रबन्धन के संबंध निवीजकों और उनके कार्यकार्यों के बीच, अनुबंध में निहित प्रौद्योगिक विकास में प्रौद्योगिक प्रतिकरण, केन्द्र के संवाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-98 को प्राप्त हुआ था।

[सं. एल-40012/197/95-आई.प्रार.(टी.यू.)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 13th October, 1998

S.O. 2216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecommunications, Thanjavur and their workman, which was received by the Central Government on the 13-10-98.

[No. L-40012/197/95-IR(DU)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 30th day of July, 1998

PRESENT

Ehim S. Ashok Kumar, M.Sc., B.L., Industrial

INDUSTRIAL DISPUTE NO. 66 OF 1997
(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Department of Telecommunications, Tanjore.

BETWEEN :

Shri N. Elangovan, S/o Shri V. Natanasigamani,
Oorkudi Post, Koradachery (via).

And

The General Manager, Deptt. of Telecommunications, Thanjavur-613 001.

REFERENCE :

Order No. L-40012, 197/95-IR(DU), Ministry of Labour, dated 23-7-97 Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Thiru T. K. Rajeswaran. Advocate appearing for the respondent, upon perusing the reference, and other connected papers, and the petitioner being absent, this Tribunal, made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the General Manager, Deptt. of Telecommunications, Thanjavur in terminating the services of Shri N. Elangovan, casual labour w.e.f. 21-11-92 is proper, legal and justified ? If not, to what relief the workman is entitled."

Petitioner served. Petitioner absent. Dismissed for default.
No cost.

Dated, this the 30th day of July, 1998

S. ASHOK KUMAR, Industrial Tribunal.

नई दिल्ली, 16 अक्टूबर, 1998

का.प्र. 2217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेसन इंजीनियर दूरदर्शन केन्द्र, प्रागरा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रबन्धन में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-98 को प्राप्त हुआ था।

[सं. एल-42011/9/95-आई.आर. (डी.यू.)]

बी.के. राजन, डी.एच. अधिकारी

New Delhi, the 16th October, 1998

S.O. 2217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Station Engineer, Doordarshan Kendra, Agra and

their workman, which was received by the Central Government on the 16-10-98.

[No. L-42011/9/95-IR(DU)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 33 of 1996

In the matter of dispute between :
Mahasachiv, Rashtriya Mazdoor Congress (Intuc)
2/236, Namneir, Agra.

And

Station Engineer. Doordarshan Kendra, Barauli
Sabir Ramshap Road, Agra.

APPEARANCE :

Umesh Dushad for the Management.

B. K. Sisodiye for the workman.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-12011/9/95-I.R.D.U. dated 27-3-1997, has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the management of Station Engineer Doordarshan Kendra, Agra to terminate the services of S/Shri Srichand peon, Santosh Sweeper and Sri Om Prakash Khalasi is legal and justified ? If not to what relief the workmen concerned are entitled to ?"

2. In this reference there are three workmen namely Srichand Santosh and Om Prakash. The case of Srichand is that he is also known as Suresh. He was engaged as a peon on 1-6-90 by the opposite party Doordarshan Kendra at Agra Centt. Similarly, Santosh Kumar was appointed as Sweeper from 1-6-90, while Om Prakash is alleged have been engaged as Khalasi on 5-6-90. All of them have completed 240 days in a year as such their termination w.e.f. 1-10-93 without payment of retrenchment compensation and notice pay is bad in law. Further there had been breach of provisions of section 25G & 25H of I.D. Act.

3. The opposite party Doordarshan has filed reply in which it has been alleged that all the above mentioned persons were given work in contract basis. They were never engaged further after expiry of contract of work they themselves stopped coming.

4. In the rejoinder nothing new was alleged.

5. It may be mentioned that earlier one Balbir Singh had filed affidavit which was in fact in support of production of documents. Treating it to be evidence on merits, and as the opposite party had failed to put in appearance they were debarred from cross

examining these witnesses. While preparing the case for dictation of award it was found that the workmen were not given opportunity to adduce evidence on merits hence fresh chance was given. Once again workmen to give any evidence. Ultimately, they were debarred from giving evidence. However, the management have examined Kimat Kumar M.W-1. From the above review of evidence, it will be evident that virtually it is a case of no evidence, hence I answer the reference against the concerned workman for want of evidence and hold that they are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

Dated : 5-10-1998.

नई दिल्ली, 16 अक्टूबर, 1998

का.प्रा. 2218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार स्माल इन्डस्ट्रीज सर्विस इन्स्टीट्यूट आगरा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-98 को प्राप्त हुआ था।

[सं. एल-42011/83/95-आई.प्रा. (डी. यू.)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 16th October, 1968

S.O. 2218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Small Industries Service Institute, Agra and their workman, which was received by the Central Government on 16-10-1998.

[No. L-42011/83/95-IR(DU)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 91 of 1996

In the matter of dispute between :

District President, Rashtriya Mazdoor Congress,

District Council, 2/236, Namneir Agra.

And

Director, Small Industrial Service Institute

A-208, Karla Nagar, Agra.

APPEARANCE :

Hamid Qureshi for the management & Surendra Singh for the workmen.

2793 GI/98--14.

AWARD

1. The Ministry of Labour, Central Govt., vide its notification No. L-42011/83/95-I.R.(DU.) dated 30-9-96, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Small Industries Service Institute, Agra to terminate the services of Sri Rakesh Chandra casual workman is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the concerned workman Rakesh Chand is that he worked from 20-5-86, with the opposite party Small Industries Service Institute as peon. He continuously worked upto 21-4-91. He was removed from service from 22-4-86 in breach of provisions of section 25F of I.D. Act and further in breach of section 25G of I.D. Act. Hence his termination is bad.

3. The opposite party has filed reply in which it was alleged that opposite party is not an industry. Further reference is belated, he was working as a casual labour at Firozabad Branch. This branch was closed and the concerned workman was asked to join at Dehradun office but he did not go. He was not removed from service.

4. In the rejoinder nothing new has been alleged.

5. In support of his case, the concerned workman Rakesh Chandra examined himself as WW-1. The management did not adduce any evidence. The concerned workman has stated that he had continuously worked and had completed 240 days. He was not paid retrenchment compensation and notice pay. There is no evidence in rebuttal. The management has also not proved by adducing evidence that Firozabad branch was closed and that the concerned workman was directed to join Dehradun Branch. Thus the management has failed to prove his case whereas the workman has proved breach of provision of section 25F of I.D. Act.

6. As regards plea of opposite party being not an industry this has already been negated in earlier cases copy of which has been filed by the concerned workman. I also do not find that the claim is state as it is less than six years old.

7. In the end I find that the retrenchment of the concerned workman is bad in law, hence my award is likewise and the concerned workman will be entitled for reinstatement with back wages as he was getting as casual labour.

B. K. SRIVASTAVA, Presiding Officer

Dated : 5-10-98.

नई दिल्ली, 16 अक्टूबर, 1998

का.प्रा. 2219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कोलाजिकल सर्वे आफ इंडिया आगरा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के

बीच, अनुसूचि निर्दिष्ट में औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-98 को प्राप्त हुआ था।

[नं एल-42011/78/95-आई.आर. (ई. यू.)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 16th October, 1998

S.O. 2219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workmen, which was received by the Central Government on 16-10-1998.

[No. L-42011/78/95-IR(DU)]

V. K. RAJAN, Desk Officer
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, PANDU
NAGAR, KANPUR.

Industrial Dispute No. 110 of 1996

In the matter of dispute between :

Surendra Singh, Rashtriya Adhyaksh Bhartiya
Sarvekshan Karamchari Parishad Intuc
2/236, Namneir, Agra.

And

Assistant Suptd. (Chemistry) Bhartiya Puratatva
Sarvekshan 295, Jaipur House, Agra.

APPEARANCE :

S. Singh for the workman and Sri Amrik Singh
for the management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-42011/78/95-I.R. D U. dated 30-10-96, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Archaeological Survey of India, Agra in terminating the services of S/Shri Giran Singh, Nanak Chand and Satendra Kumar in March 1995 is legal and justified? If not to what relief the workmen are entitled to?

2. In this reference there are three workmen viz. Giran Singh Nanak Chand and Satendra Kumar. The case of all the Workmen is that all of them had worked casual labour from 22-10-88 to 1-3-95 at Etmadaule Monument and thereafter their services

were terminated in breach of provisions of section 25F 25G and 25H of I.D. Act.

3. The case of the management is that Satendra Kumar had worked upto 28-3-95 in broken periods under a project. His work came to an end after completion of this project work. As regards Giran Singh and Nanak Chand it is alleged that they did not work beyond September, 1992.

4. In the rejoinder nothing new has been alleged. In support of their case all the three workmen Giran Singh W.W.1, Satendra Kumar W.W. 2 and Nanak Chand W.W.3 have examined besides Ext. W-1 to W-4 documents have been filed. In rebuttal management has examined S. K. Singh M.W.1. In this case joint inspection report has also been prepared.

5. At the outset it may be mentioned that there is no evidence worth the name to prove breach of provisions of section 25G and 25H of I.D. Act. Hence, challenge to termination on this ground fails.

6. Next it will be seen if Giran Singh and Nanak Chand had not worked beyond September, 1992. In this regard there is evidence of S. K. Singh M.W.1 Asstt. Suptd., whereas Giran Singh W.W.1 and Nanak Chand W.W.3 have stated that they have worked upto February 1995. In this case as has been observed earlier a joint inspection was also made which goes to show that no work was done by these two workmen. The contention of the authorised representative of these person is that management had not shown the muster roll of other place where these person had worked. This plea does not stand to reason as according to their own version they had worked at Admandaula hence as the version of workmen is not supported by joint inspection report I do not accept their version and hold that the concerned workman had not worked beyond September 1992. As such question of their termination on First March 1995, does not arise. Hence the illegality of such termination cannot be determined.

7. As regards Satendra Kumar W.W.2, he has stated that he had worked upto March 1995, and no retrenchment compensation and notice pay was given to him at the time of his termination. S. K. Singh Assistant Suptd. W.W.1 has denied the allegations and as stated that the concerned workman had worked in a project. The copy of project has been filed which is paper no. 1 on record. Thus it is established that the concerned workman had worked in project. When the service of the workman came to an end after completion of project such a case is not covered by the definition of retrenchment. Hence, once again it is held that Satendra Kumar was never retrenched. The question of applicability of provisions of section 25-F of I.D. Act does not arise to such a case.

8. In view of above discussion, the claim of all the three workmen fails. Accordingly my award is that the termination of all the three workmen is not bad in law, consequently they will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

Dated : 5-10-98,

नई दिल्ली, 16 अक्तूबर, 1998

का आ 2220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग, हैदराबाद के प्रवर्धन के संबंध में नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण नं. 1, हैदराबाद के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 16-10-98 को प्राप्त हुआ था।

[स एल-40012/11/93-आई.आर. (डी.यू.)]

वी.के. राजन डेस्क अधिकारी

New Delhi, the 16th October, 1998

S.O. 2220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, No. 1, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom. Department, Hyderabad and their workman, which was received by the Central Government on the 16-10-98.

[No. L-40012/11/93-IR (DU)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL I AT HYDERABAD

PRESENT :

Sri C. V. Raghavaiah, B.Sc., B.L., Industrial Tribunal I, Hyd.,

Friday, the 28th day of August, 1998

INDUSTRIAL DISPUTE NO. 44 OF 1995

BETWEEN :

Sri K. Prasad Rao S/o Shri K. Tirupalu, Amara-reddinagar, Tadepalli, Guntur District-522 501 (A.P.) .. Petitioner/Workman.

And

Divisional Engineer, Coaxial Cable Project, Saifabad, Hyderabad-500 004. Respondent/Management.

This case is coming before me after remand for final hearing on 17-8-1998 in the presence of Sri C. Surya Narayana, Advocate for the petitioner and Sri P. Damodar Reddy, Advocate for the Respondent and having stood over to this day for consideration the court delivered the following :

AWARD

The Government of India by its Order No. L-40012/11-93-IR(DU), dated 23-2-95 made this reference U/s. 10(1)(d) and 2(A) of the Industrial Disputes Act, 1947 hereinafter called the Act for adjudication of the Industrial Disputes mentioned in the schedule which reads as follows :

“Whether Sri K. Prasad Rao is a workman ?
If Shri Rao is workman, then whether the management of Telecom, Hyderabad is

justified in terminating his services ? If not, what relief he is entitled to ?”

Both the parties appeared after being served as well as made their appearance through their advocates and filed their pleadings.

2. The petitioner/workman filed a claim statement with the following allegations : The workman was employed as a casual Mazdoor under the Junior Telecom Officer, Co-axial, Cable Project, Vanasthalipuram within Hyderabad Urban Agglomeration from 1-11-89 under the jurisdiction of the respondent employer. From 1-11-89 he worked continuously upto 30-11-92 except for short breaks of 13 days in July, 3 days in August, 9 days in October, 6 days in November and 1 day in December, 1991 due to cessation of work. Thus, he was employed for a total number of 729 days during the above period. But, he was terminated from service with effect from 1-12-92 by verbal order without informing him or furnishing him any reason for termination and also without paying any terminal benefits as per the mandatory provisions of Chapter V-A of the I.D. Act, 1947. Even though he was employed for more than 240 days during the year preceding 1-12-92. His further contention is that his name was not included in the muster rolls and payment was also made in on blank stamped white papers but not on the prescribed ACG-17 receipts. The wages were paid as shown in the Mazdoor days particulars of the workman, and further he was paid less than the wages payable as per minimum wages Act and the decision of Supreme Court and also contrary to the Order No. 10-13/87 rates dt. 23-2-88 of the General Manager, Telecommunication, Andhra Pradesh and also in violation of the subsequent circular dated 26-7-89. He thus contended that he is a workman as defined in Sec. 2(s) of the I.D. Act and his termination from service without assigning reasons and without following the mandatory provisions of Sec. 25-F of the I.D. Act is unjustified.

3. He has further contended that he was born on 2-2-64. He belongs to the Scheduled Caste, passed S.S.C. and he is not employed elsewhere after termination by the respondent as such he is in a miserable condition. He thus contended that he is entitled to be reinstated with continuity of service and back-wages and all other benefits including regularisation of seniority and he shall be deemed to have been recruited and allotted to the respondent's unit for employment as casual labour. Pending the same he is entitled to grant of temporary status on completion of 240 days of service in the 1st year of employment. He prayed for passing the Award accordingly.

4. The respondent filed a detailed counter resisting the claim :

He contended that the petitioner worked on contract basis for completing specific works at various places and not at Vanasthalipuram alone and that on completion of work at Pochampally during November, 1991, he left that place. Later he executed works on contract basis during the year January 1992, March 1992, May, 1992 to August 1992 and November, 1992 as an independent contractor but he was

not engaged as casual labour and he was not terminated from service with effect from 1-12-1992 but he has left the place as his contract ceased by 30-11-1992 itself. He also contended that no appointment order was given. Similarly no notice of termination was given as he was engaged purely on a contract basis for lump-sum payment every month which was settled after mutual negotiations and ceased rendering any service on completion of work and he was not awarded any fresh work on contract from 1-12-92. It is further contended that there is no relationship of workman and employer between it and the petitioner and the averment to be contrary in para (2) of the claim statement is not correct. It is thus contended that as the petitioner was engaged on contract basis, the question of extending terminal benefits under the I.D. Act does not arise and that having accepted the terms and conditions of the contract the petitioner cannot claim D.A. etc. relying on the said circulars issued by the respondent. He denied that the petitioner was paid on blank stamp papers. On the other hand it is contended that payments were made to the petitioner under stamped receipts passed by him from time to time, and that the office of the respondent is not part and parcel of Telecom Department, Hyderabad as it is only a temporary establishment.

5. It is further contended that as the petitioner worked on contract basis, the question of reinstatement and regularisation does not arise and on the other hand while awarding and extending contracts various factors like quality, punctuality, rate quoted by the contractors were taken into consideration and as at no point of time the petitioner worked in Hyderabad Telecom Department, and hence the question of including his name in the seniority list does not arise. Further according to the respondent the petitioner is gainfully employed elsewhere and the petitioner is making attempt to procure job in the respondent department without the media of employment exchange, merits, qualifications, reservation norms and vacancy position which is not permitted. It is also contended that further after introduction of modern technology and sophisticated machinery, the requirement of manpower in the respondent telecom department was reduced drastically. Hence, there is no need for the respondent to engage further labour now, and the burden is on the petitioner to prove that he was appointed by the respondent company. The respondent brought for rejecting the reference.

6. On the basis of the above pleadings, the following point arises for consideration :

If the petitioner is a workman ? If so, whether he is entitled for any relief?

7. The petitioner workman examined himself as WW1 and filed Exs. W1 to W6. The Divisional Engineer of the respondent was examined as MW1 before remand.

8. After consideration of the above evidence, my learned predecessor passed the award on 10th day of October, 1996, holding that the petitioner is not entitled to any relief as the respondent cannot be deemed to be an industry. In view of the principles of law laid down in the case reported in 1996 I.L.R. page 483. Aggrieved by the above award, the petitioner

filed a writ petition No. 2428/1998. The same was allowed on 15-4-98 and the matter was remanded for fresh disposal to this Tribunal by finding that the respondent department is an industry relying on the later decision of Supreme Court reported in 1997 J1 9 SC 254. Thus the matter came up for passing the award before this Tribunal again.

9. After remand, the respondent filed an additional counter contending that the petitioner was engaged only on contract basis and he has entered into oral petty contract with the respondent for carrying out the works entrusted to him, as such he is not the workman. The further contended even if it is assumed that he was engaged as a casual labour on daily wages basis, he is not entitled to reinstatement as he was not appointed to any post according to rules as per the decision reported in J1 1996(2) SC 455.

10. The petitioner filed a rejoinder contending that in view of the finding of this Tribunal in the earlier award i.e. "in any reason, the employer has to be held as an industry, the petitioner has to be held as a workman and he is also entitled to relief of reinstatement for the reason that the employer while admitting that the petitioner worked in the department, pleaded that he was a contractor but no documentary proof of the petitioner acting as a contractor was filed before this Tribunal," it is not open for the respondent by way of additional counter to contend that the petitioner is not a worker as the award was modified by the High Court only with regard to the finding that the respondent is not an industry. It has further contended that the respondent is trying to mislead by contending in the additional counter that the petitioner is a paid contractor under oral agreement, taking advantage of the fact that the petitioner's name is not shown in the muster roll and payment was paid on white paper but not in prescribed vouchers. The petitioner further took the stand that the copies of the vouchers sought to be filed along with the additional counter depicting the petitioner as paid contractor are not valid and further they do not in any way disprove the claim of the petitioner that he was engaged for wages by the respondent, in the absence of any documents showing the terms and conditions of the so called contract and that the decision relied on by the respondent will not come to his rescue.

11. In view of the above contentions, the following points arise for consideration :

- (1) Whether the petitioner is a workman and if so, is he entitled for any relief?
- (2) Whether this Tribunal has already held in the earlier award that he is a workman. If so, the respondent is not entitled to contend that he is not a workman, and go into that question afresh?

12. Point No. 2 : The petitioner who was said to have been temporarily engaged on wages as a casual mazdoor is seeking reinstatement on the ground that he has been terminated from service without assigning any reason, without following provisions of Sec. 25-F of the I.D. Act though he worked for more than 729 days from 1-11-89 to 30-11-92 and for more than 240 days in the year preceding the date of termination.

13. As stated above, this Tribunal earlier held that the respondent is not an industry as such the petitioner cannot be deemed to be a workman within the meaning of Sec. 2(s) of the I.D. Act and hence passed an award on 10-9-96 holding that the petitioner is not entitled to any relief relying on a decision of the Supreme Court reported in 1990 LLR page 483. The petitioner however filed a writ petition No. 2428/1998 being aggrieved by the above award and the same was allowed on 13-4-1998 and the matter was remanded for fresh disposal holding that the respondent is an industry relying on a later decision of Supreme Court in (2) 1997 JT 9 SC 234. Prior to demand the petitioner and Divisional Engineer examined themselves as WW1 and MW1 respectively. While Ex. W1 to W6 were marked on behalf of the petitioner, no exhibits were marked on behalf of the respondent. After remand no further evidence was let in on behalf of the petitioner but the respondent recalled MW1 and marked Exs. M1 to M6 as additional evidence. The petitioner filed written arguments.

14. It is contended on behalf of the petitioner that this Tribunal has already held in the earlier award in para-7 that in case the respondent employer is held to be an industry, the petitioner being the workman is entitled to relief of reinstatement as the employer admitted that the petitioner worked in the department but has not filed any documentary proof in support of his contention that he was only a contractor. He thus contended that as the Tribunal has already rejected the contention of the respondent that the petitioner worked only as a contractor, it is not open for the respondent to reargue that the petitioner is not a workman but a contractor. The learned counsel for the respondent however repelled the above contention by submitting that no finding was given in the earlier award as to status of the petitioner and the evidence was not considered but the reference was disposed of by holding that the respondent department is not an industry, as such the petitioner is not entitled to any relief in the reference. He has submitted that as per the remand order both parties are entitled to fresh opportunity as such it is entitled to reargue and adduce evidence. It is submitted that it has been specifically observed by the Hon'ble High Court in the order that the Labour Court is directed to decide whether the petitioner is entitled to any benefit and whether the claim made by him is tenable or not? After giving opportunity to both the parties. He thus contended that in view of the above observation of the Hon'ble High Court it is futile to contend that this Tribunal has already held in the earlier order that the petitioner is a workman as such the respondent is not entitled to reargue the matter.

15. On a careful consideration of the submissions made by the learned counsels, and the award passed by this Tribunal earlier and the order of the Hon'ble High Court in Writ Petition No. 2428/1998, I find no difficulty in rejecting the contention of the learned counsel for the petitioner that this Tribunal has already held that the petitioner is a workman in the earlier award as such the said matter cannot be reargued. In para-7, this Tribunal has held in the

award dt. 10-9-96 that "if for any reason it has to be held that the employer is an industry, the petitioner has to be held to be a workman and he is also entitled to relief of reinstatement for the reason that the employer having admitted that the petitioner worked in the department and pleaded that he is a contractor failed to file documentary proof in support of the same." In para (8), it was finally observed that "the petitioner is not a workman in view of the decision of the Supreme Court and the respondent is not an industry as such not entitled to any relief." The Hon'ble High Court allowed the writ petition filed by the petitioner aggrieved by the above award. In para (2) of the order it was held that "the petition is allowed, matter is remanded to Labour Court and the Labour Court is directed to decide as to whether the petitioner is entitled to any benefits and the claim made by him before it is tenable or not, and dispose of the matter after giving opportunity to both the parties before deciding the issue." Thus it is obvious from the order of the Hon'ble High Court that even if it is assumed that this Tribunal in the earlier award held that the petitioner is workman the said finding was set aside and this Tribunal was directed to decide the issue afresh by giving opportunity to both the parties. As stated above this court has passed earlier order without going into the merits of the case by holding that the respondent is not an industry relying on an earlier decision of the Supreme Court. The passing observation made by this Tribunal in para (7) of the order that the petitioner has to be held as a workman as the respondent has failed to prove by the documentary evidence that he is a contractor, stands set aside as the Hon'ble High Court directed this Tribunal to decide the issue "whether the petitioner is entitled to benefits and whether the claim made by him before it is tenable or not by giving opportunity to both the parties." Thus, it is obvious that the question whether the petitioner is a workman if so he is entitled to benefit claimed by him, was left open by the Hon'ble High Court to be decided by this Tribunal afresh after giving opportunity to both the parties. Hence, I am unable to agree with the contention of the learned counsel for the petitioner that the finding of this Tribunal in the earlier award is set aside only to the extent that respondent is not an industry while the finding that the petitioner is a workman stands unaltered and that the award passed by this Tribunal is modified only to the extent that the respondent is to be treated as an industry in view of the later decision of the Supreme Court. Hence the said finding became final as such the respondent is not entitled to reargue that the petitioner is not a worker. The point is hence answered against the petitioner.

16. Point No. 1 : This deals with the question whether the petitioner is a workman within the meaning of Sec. 2(s) of the I.D. Act? If so, he is entitled to relief of reinstatement and other attendant benefits. It is the contention of the petitioner that he was employed as casual mazdoor by the respondent on 1-11-89 on wages but terminated verbally on 1-12-92 though he worked continuously but for short breaks now and then for a period of 729 days and for more than 240 days in the period of 12 months prior to date of termination, and as no notice of termination or wages paid in lieu of one month

notice and as no retrenchment compensation was paid. He is entitled to be reinstated being a workman. The contention of the respondent Telecom Department on the other hand is that the petitioner is not a workman but he was only a contractor engaged for executing certain works as such there is no relationship of the employer and employee within the meaning of Sec. 2(s) of the I.D. Act and being not a workman, he is not entitled to any relief. Thus he show question is whether the petitioner is a workman ?

17. Both sides have let in oral and documentary evidence. The petitioner was WW1 has categorically stated that he was engaged on wages by Coaxial Cable Project Office, Vanasthalipuram which is under Divisional Engineer, Coaxial Cable Project Saifabad, Hyderabad in November, 1989 as helper under the Junior Telecom Officer, Cable Project and he worked continuously till 30-11-92 on which day his services were orally terminated by verbal order without informing any reasons and he was paid salary up till 30-1-92. He was not paid notice period wages. He has also stated that his name was not included in the muster rolls, his signature was taken on blank white paper on which revenue stamp was affixed at the end of every month when payment was made once in a month. He stated further except in the month of March in all other months, he was paid once in a month, while in March, 1992, he was paid initially for 25 days and for the remaining 6 days in the month of April, that he approached the authorities several times for reappointment but there was no positive response from them. Hence he raised Industrial Dispute before the Regional Labour Commissioner on 6-2-93. He filed xerox copy of the complaint filed before the Regional Labour Commissioner, Central which is marked as W1. He filed Ex.W2 caste certificate in proof of the fact that he belongs to Scheduled Caste. He filed Ex.W3 xerox copy showing number of days worked by him in support of his oral evidence as to number of days he was engaged. He also filed Ex. W6 xerox copy of the parawise reply filed by the respondent before the conciliation officer. Ex. W4 xerox copy minutes of the conciliation officer and Ex. W5 xerox copy of the failure report sent by the conciliation officer. Thus, it is clear from his evidence that after approaching the Labour Commissioner and as the efforts made by him for reconciliation ended in failure the petitioner sought for reference of the dispute to this Tribunal. As stated above, he filed Ex. W3 showing the number; of days he was engaged by the respondent in proof of the fact that he worked for 729 days and for more than 240 days in a calendar year proceedings date of termination and he was engaged only as helper on wages but not as a contractor.

18. MW1 on the other hand stated that the petitioner was engaged as a contractor to help the installation staff of the respondent department from November, 1989 onwards with breaks. He has not extended his contract service during the period December 1991, February 1992, April 1992, September 1992 and October 1992. And the petitioner completed the contract works in November 1992 and he was paid only for his services in excluding the contract works and petitioner left after completing

the work at Pochampally site in November, 1992. He admitted conciliation proceedings before the Labour departments. After remand he filed Exs. M1 receipt dated 3-3-91 passed by the petitioner for receiving a sum of Rs. 840 at the rate of Rs. 13 for 28 days from 1-2-91 to 28-2-91. Ex. M2 receipt dated 18-3-91 for receiving sum of Rs. 450 for 15 days from 1-3-91 to 15-3-91, Ex. M3 receipt dated 16-4-91 for receiving a sum of Rs. 450 from 1-4-91 to 15-4-91 for 15 days. Ex. M4 receipt dated Nil for receiving a sum of Rs. 900 for 30 days at the rate of Rs. 30 from 1-6-91 to 30-6-91, Ex. M5 receipt dated nil for receiving a sum of Rs. 930 at the rate of Rs. 30 for one month from 1-8-91 to 31-8-91. Ex. M6 receipt dated 10-6-92 for receiving a sum of Rs. 1200 for 30 days at the rate of Rs. 40 from 1-5-92 to 30-5-92 (all xerox copies) to corroborate his oral testimony that the petitioner was engaged on contract basis as a contractor but not engaged as labour on wages for any period.

19. Thus, both parties have filed documentary evidence in support of their respective pleas though the respondent did not file documentary evidence before remand. Admittedly the burden of proof is on the petitioner to show that he is a workman within the meaning of Sec. 2(s) of the I.D. Act, that he was engaged on wages continuously for more than 240 days in a calendar year prior to date of termination i.e. 1-12-92. Hence it is relevant to extract the definition of the term 'workman' given in Sec. 2(a) of the Act. As per the said definition, workman means any person employed in any industry to do any manual, skilled, technical, operational clerical or supervisory work for hire or reward whether the terms of employment be expressed or implied and included any such person who has been dismissed or discharged or retrenched. Thus, it has to be seen whether the petitioner has been engaged on hire or reward to do any manual work so as to qualify himself as workman. If so whether he has worked for a period of 240 days in a calendar year preceding 1-12-92 on which date he was said to have been terminated verbally.

20. Except the solitary testimony of the petitioner there is no evidence on record to show that he has been engaged to do either manual or skilled work on wages. Similarly except the testimony of MW1 there is no other oral evidence to show that the petitioner was engaged as a contractor. But it is not in dispute that the petitioner worked in the respondent department from September, 1989 till 30-11-92 intermittently. Both the parties however filed documentary evidence. The petitioner filed Ex. W3 to show the number of days worked by him. It would no doubt show that the petitioner has worked for a period of 729 days from September, 1989 to November, 1992 at Vanasthalipuram, for cable Testing work, at Narkedpally for Cable laying work, at Kothagudem, Pochampally for Cable laying work at Parvathipuram for interstice work and even at Kothagudem for Cable laying work and that from 4-1-90 to 7-1-90 he was absent. Again from 19-7-91 to 2-8-91 he was absent due to sickness. But Ex. W3 is not issued by the employer, but it is prepared by the petitioner himself showing himself as casual mazdoor which is however disproved by the respondent. If this document

is believable, it would appear that the petitioner was engaged as casual mazdoor and he worked for more than 240 days in the year 1992 prior to his termination on 1-2-92 i.e. to say for a continuous period of one year as defined in Sec. 25(b) of the I.D. Act. In such case his termination would amount to retrenchment within the meaning of Sec. 2(oo) of the I.D. Act and same is void as no one month's notice or wages in lieu of the notice or retrenchment compensation was paid as per Sec. 25-F of the I.D. Act. But I am of the view that in the absence of any other supporting evidence Ex. W3 which is a self serving document cannot be given much weight.

21. The respondent on the other hand filed Exs. M1 to M6 as stated above. A perusal of them would show that the petitioner has been paid different sums of money from time to time for engaging him on contract basis at different places such as Narkedpally, Pochampally etc. In all the above receipts it has been specifically mentioned the nature of work entrusted to him on contract basis. The respondent has however not filed the agreement of contract on the ground that it is only oral contract. The petitioner has also admitted that his signature was taken on stamped white papers whenever payment is made instead of in a prescribed receipt. Hence there can be no doubt with regard to the genuineness of Exs. M1 to M6. If they are accepted, it would appear that the petitioner has been engaged on contract basis only to do the specified works but not as a workman on wages.

22. As stated above no proof is placed on record with regard to agreement of contract, further. The nature of work entrusted as per the receipts is that he has been engaged for performing the duties of watch and ward at Narkedpally as well as Kothagudem. Whereas the evidence of MW1 is otherwise, I am of the view that even if it is assumed that the petitioner was employed on contract basis he satisfied the definition of workman given U/Sec. 2(s) as he was paid wages for the work entrusted to him. It is impossible to believe that he was taken as a contractor as the work supposed to be given on contract basis is to execute works like digging of trenches, weighing of high density polythene pipes, providing optical cable wires as per the respondent while MW1 categorically stated that the nature of work entrusted to the petitioner is only guarding of stores helping the officers in supervising the work and the Assistant Technician in installation of equipment that the work done by the petitioner is under the supervision of the officers, that the petitioner has no freedom to deviate from the prescribed standard, to employ others to execute the work but do personally Ex. M1 to M6 also would show that he has been paid service charges on contract basis for guarding stores, etc. It is thus clear from the evidence of MW1 coupled with Exs. M1 to M6 that the petitioner was engaged as a casual labour as spoken by the petitioner, but not as contractor for doing manual or supervisory work in connection with the work of the respondent as such he is a worker within the meaning of Sec. 2(s) of the I.D. Act. I am of the view that even the contract labour has to be treated as a worker as long he is working under the supervision of the employer.

23. Hence there can be no doubt that the respondent has failed to prove as observed in the earlier award. The stands taken by it that the petitioner is only a contractor but not a workman. I am of the view that the documentary evidence adduced by it after remand would not in any way disprove the claim of the petitioner that he has been engaged as casual mazdoor on daily wages by the respondent. The principles to be taken into consideration in deciding whether a person is a workman or not is being laid down in the case of *Silver Jubilee Tailoring Works vs. Chief Inspector Shops and Establishments, Andhra Pradesh (AIR 1974 SC 37)* I am of the view as per the said decision, the right to control the manner of work though not an exclusive step for determining the relationship of an employer and an employee it has also to be considered as to who provides the equipment including the plant on large scale, etc. In this case, the evidence of MW1 clearly showed that the respondent did not supply any equipment or labour but the petitioner himself attended to the work entrusted to him which would clearly go to show that he was engaged only for doing the work specified to him on wages. Hence it can safely be held that the petitioner is a worker and there is relationship of employer and employee between the petitioner and respondent as the requirements of definition of 2(s) of I.D. Act are satisfied.

24. This would take us to the next question whether the petitioner worked for 240 days in a calendar year of 12 months preceding date of termination. As stated above, except Ex. W3 statement filed by him, no other material is placed on record to show for how many days he worked. Though the burden is squarely upon him, I am of the view that Ex. W3 which is a self serving statement is not entitled to any credence in the absence of any supporting document as stated above. I am also of the view that even if it is assumed that he worked for 240 days in a year preceding date of termination his termination cannot be said to be retrenchment as he has been engaged for doing specific work and disengaged after completion of the said work and reengaged whenever required.

25. The respondent is said to be a temporary establishment. It will engage persons depending upon the exigency to do work of casual in nature i.e., watching the stores of department, assisting the technicians and supervisors in connection with their work and respondent has to work at the place of site being project wing without a regular establishment and it will be shifted from place to place depending upon the project work to be carried out by the respondent such as digging of trenches, laying of pipes providing optical cables and join them which have to be made over ultimately to maintenance wings of the respondent. It has also come out in the evidence of MW1 that prior to 1-3-85 they were taken casual labour for the above work and ban was imposed from 1-3-85. Hence they are taking only willing persons and paying lump sum amount for a specified work done on contract basis. Hence it appears to be a case of discharge simpliciter but not retrenchment as the petitioner cannot claim re-engagement by the respondent irrespective of the availability of the work or not with consequential benefits. It is no doubt true as per the

decision of the Supreme Court in the case of Naro-tham Chopra vs. Presiding Officer, Labour Court, 1989 Supreme Court Cases L&S 565 termination of service, in violation of Sec. 25-F of the I.D. Act would enable the terminated workman to seek for reinstatement. I am of the view that the said decision has no bearing on the facts of the case as there is no clinching proof that the petitioner has worked for 240 days in a calendar year prior to date of termination on 1-12-92, so that it can be said that there is violation of provisions of Sec. 25-F. There can also be no quarrel with regard to the principle of law laid down in Gujarat Electrical Board case AIR 1995 SC 1893 that the Industrial Tribunal may direct the principal employer to absorb the contract labour in regular establishment. I am of the view the said decision also cannot come to the rescue of the petitioner.

26. I am of the view that appointment on daily wages cannot be conduit pipe for regular appointments. When specific rules of recruitment are prescribed with regard to appointment of employees in Government departments. Further when the project work has come to an end the termination of service of the workers for want of work could not give any cause of action to the worker for direction to re-engage him by the department. This principle is laid down in the case of Himachal Pradesh and Suresh Kumar Varma JT 1996(2) SC 455 equivalent to 1996(72) IFLR page 804. It has been held in the above case that it is well settled that even if for class IV employees recruitment according to rules is a precondition. Only work charged employees who perform duties of transitive in nature were appointed not to a post but are required to perform the work of transitory and urgent in nature so long as the work exists and the appointment on daily wages would not amount to appointment to the post according to rules. And if the project work has come to an end and termination is made for want of work direction for reengagement cannot be given by the Court. Similarly in the case of Himanshu Kumar Vidyarthi and others vs. State of Bihar and others 1997(4) SSC 391 in which provisions of Sec. 2(j), 2(o) and 25(F) of the I.D. Act have come up for consideration. It has been held that the dispensing with service of persons engaged on daily wages in a Government Department would not amount to retrenchment as they are not appointed according to rules against any post but are appointed according to need of the work as such they have no right to the post. The termination of casual labour in such circumstances could not amount to retrenchment. Hence the question of violation of Sec. 25-F of the I.D. Act in respect of them would not arise. It is further observed when the appointments are regulated by statutory rules and when the petitioner was not appointed to the post in accordance to the rules but were engaged on the basis of the need of the work they are only temporary employees working on daily wages. Their disengagement from service cannot be considered to be retrenchment under the I.D. Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees and since the petitioners are daily waged employees they have no

right to the post. Their disengagement is not arbitrary". I am of the view that the principle of law laid down in the above decisions squarely apply to the facts of this case.

27. In the instant case also as per the own showing of the petitioner he was engaged as casual labour on daily wage basis. Thus, it is obvious he is engaged on the basis of the need of the work. The respondent department is admittedly a temporary department and it has to carry on the works of temporary nature without regular staff at different places. Hence, depending upon the need they have to engage workers to execute the work, not according to the rules but according to the exigency of the service. Hence, in my view the termination of the service of the petitioner cannot be said to be retrenchment even if it is assumed that he has worked for more than 240 days in a calendar year preceding the date of termination as he was engaged only as a casual mazdoor on daily wage basis, though payment is made once in a month and as his name does not find place in the muster roll as per the own showing of the petitioner, I am of the view that the various circulars issued by the department from time to time with regard to wages to be paid to casual labour and the decision in the case of Ram Gopal and others vs. Union of India and others in W.P. No. 1280/1989 filed along with the claim statement would not come to rescue of the petitioner. Hence, I conclude that though the petitioner is a workman his termination from service would not amount to retrenchment but to only discharge simpliciter as he was disengaged from 1-12-92 due to lack of work and as such he is not entitled to relief of reinstatement, though there can be no doubt that he belongs to a weaker section society with a minimum qualification of 10th class and parents to maintain. The point is hence answered accordingly.

28. In the result, an award is passed holding that the petitioner is not entitled to relief of reinstatement and backwages being a casual labour engaged as per the need of the work and as the project work is completed in view of the latest decision of Supreme Court i.e. 1996 and 1997 cited supra.

Dictated to the Sr. Stenographer, transcribed by her, corrected by me and given under my hand and the seal of this Tribunal, this the 28th day of August, 1998.

C. V. RAGHAVIAH, Industrial Tribunal

Appendix of Evidence

Witnesses Examined for the Petitioner :

WW1 K. Prasada Rao

Witnesses Examined for the Respondent (after remand)

M.W1 S. V. Srinivasan

Documents marked for the Petitioner/Workman :

Ex. W1 Complaint dated 6-2-93 made to the RLC(C), Hyderabad (xerox copy).

Ex. W2 Xerox copy of the caste certificate.

Ex. W3 Xerox copy of the working days particulars.

Ex. W4 Minutes of conciliation proceedings dated 18-1-94 (xerox copy).

Ex. W5 Xerox copy of failure report dated 11-3-94.

Ex. W6 Xerox copy of the letter of the respondent to the ALC(C), dated 27-8-93, regarding the complaint made by WW1.

Documents marked for the petitioner after remand :

Ex. W7 Order No. 269-69/88-STN regarding regular absorption of casual labour in Group-D posts.

Documents marked for the Respondent/Management (after remand)

Ex. M1 Payment receipt voucher (xerox copy) dated 3-3-91 from 1-2-91 to 28-2-91.

Ex. M2 Payment receipt voucher from 1-3-91 to 15-3-91, dated 18-3-91 (xerox copy).

Ex. M3 Payment receipt voucher from 1-4-91 to 15-4-91 dated 16-4-91 (xerox copy).

Ex. M4 Payment receipt voucher made to the petitioner for the period from 1-6-91 to 30-6-91 dated nil (xerox copy).

Ex. M5 Payment receipt voucher made to the petitioner for the period from 1-8-91 to 30-8-91 dated nil (xerox copy).

Ex. M6 Payment receipt voucher made to the petitioner for the period from 1-5-92 to 30-5-92 dated 10-6-92 (xerox copy).

नई दिल्ली, 16 अक्टूबर, 1998

का.प्र. 2221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार निदेशक दूरदर्शन केंद्र सचनक के प्रबन्धन के संबंध में निदेशकों और उनके कार्यकर्ता के बीच, अनुबंध में निदेशक औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-कार्य, कानपुर के संबंध को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 16-10-98 को प्राप्त हुआ था।

[सं एम-42012/55/88-डी.II (बी)]

बी.के. राजन, ईस्क अधिकारी

New Delhi, the 16th October, 1998

S.O. 2221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director, Doordarshan Kendra, Lucknow and their workman, which was received by the Central Government on 16-10-98.

[No. L-42012/55/88-D.II (B)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU, NAGAR, KANPUR

2793 GI/98—13

Industrial Dispute No. 10 of 1996

In the matter of dispute :

BETWEEN :

President,
Doordarshan Karamchari Congress,
1 Abdul Aziz Road,
Lucknow.

AND

The Director,
Doordarshan Kendra,
Meerabai Marg,
Lucknow.

APPEARANCE :

Shakeel Ahmad for the workman and Waseem Ahmad for the Management Doordarshan.

AWARD

1. Central Government, Ministry of Labour vide notification No. L-42012/55/88-D.II(B) dated 23-4-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the Director, Doordarshan Kendra, Lucknow was justified in terminating the services of Sri Suresh Kumar from the year 1983 ? If not, what relief the workman was entitled to ?

2. The case of the workman Suresh Kumar is that he had worked as peon watchman messenger and Farrash at Lucknow Centre of the opposite party Doordarshan from January 1979 upto September, 1983 thereby he had completed more than 240 days in a year. He was illegally removed from service in breach of provisions of Section 25F of I.D. Act. Further there had been breach of provision of section 25G of I.D. Act as well.

3. The opposite party has filed reply in which it has been alleged that opposite party is not an industry, hence reference is bad. It is further alleged that concerned workman used to be engaged as casual workman he had never worked as peon. In any case he had not completed 240 days in any year.

4. In the rejoinder nothing new has been alleged. In support of his case the concerned workman Suresh Kumar has examined himself besides he has filed certificates of the authorities about the number of working days. He has also filed the details of list of working year.

5. The management has examined Masood Javed M.W.1 its Administrative Officer. At the outset it may be mentioned that the plea of the opposite party that it is not an industry is no longer res integra as the Hon'ble Supreme Court in its recent judgment has held that Doordarshan is an industry. Hence the plea of the opposite party is negatived.

6. There is no evidence worth the name to prove infringement of provisions of section 25G of I.D. Act, hence this plea of the concerned workman fails.

7. Lastly it may be considered if the concerned workman have completed 240 days in any year and as such termination is bad being in breach of provisions of section 25F of I.D. Act. In this regard there is evidence of the concerned workman which has been rebutted by Masood Javed M.W.1 There is Ext. W-1 copy of certificate filed by the concerned workman himself. It shows that the concerned workman had worked as a casual labour from July 1979 to February for 208 days, from May 80 to March 81 for 195 days, from April 1981 to March 1982 for 188 days, from April 82 to March 83 for 229 days and from April 87 to August 87 for 68 days. If this statement was wrong the concerned workman could have protested against it. Atleast he could have challenged those details by giving his own evidence. In its absence relying upon this document. I come to the conclusion that the concerned workman had not completed 240 days in any year hence termination cannot be said to be bad in breach of provisions of section 25F of I.D. Act. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 1998

workmen of the present reference and other three references mentioned above may be stated as follows:—

का.बा 2222—औद्योगिक विवाद प्रवर्धन, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने जी सी एन के प्रवर्धन के संबंध में निम्नलिखित शर्तों के अधीन, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रवर्धन (स-2) धनबाद के पंचायत को प्रकटित किया है, जो केन्द्रीय सरकार को 12-10-98 को प्राप्त हुआ था।

[सं एन-20012/131/94-आई.प्रार. (सी-1)]

[सं एन-20012/128/94-आई.प्रार. (सी-1)]

[सं एन-20012/121/94-आई.प्रार. (सी-1)]

[सं एन-20012/120/94-आई.प्रार. (सी-1)]

एस.एस. गुप्ता, डेस्क अधिकारी

New Delhi, 12th October, 1998

S.O. 2222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 12-10-1998.

[No. L-20012/131/94-IR (C-I)]

[No. L-20012/128/94-IR (C-I)]

[No. L-20012/121/94-IR (C-I)]

[No. L-20012/120/94-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference Nos. 52, 53, 54 and 59 of 1995

PARTIES :

Employers in relation to the management of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union and Shri K. Chakravorty, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 22nd September, 1998

Reference No. 52 of 1995

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the dispute in the present reference by Order No. L-20012/131/94-IR (Coal-I), dated the 3-4-95 and the dispute registered as Ref. No. 53 of 1995, 54 of 1995 and 59 of 1995 by Order No. L-20012/128/94-IR (Coal-I) dated 3-4-95, Order No. 20012/121/94-IR (Coal-I), dated the 3rd April, 1995 and Order No. 20012/120/94-IR (Coal-I), dated 3-4-95 respectively for adjudication to this Tribunal. The particulars of the

Reference No. 52 of 1995

NAMES OF THE WORKMEN

1. Shri Ram Awadesh Singh.
2. Shri Ram Avtar Sharma
3. Shri Janabi Jha and
4. Shri Sunil Kumar Singh.

Reference No. 53 of 1995

NAME OF THE WORKMAN

1. Joyram Ram.

Reference No. 54 of 1995

NAMES OF THE WORKMEN

1. Shri Bijendra Kumar Singh.
2. Shri Raghunath Yadav.
3. Shri Arjun Prasad.

Reference No. 59 of 1995

NAME OF THE WORKMAN

1. Shri Madan Murli Singh.

The Schedule of reference in all those references mentioned above are "whether the demand of the union that the persons named above were working as Home Guard Followers with the management of M/s. B.C.C.L. and their services were terminated without employing, to the provision of Section 25-F of the I. D. Act, 1947 is justified? If so, to what relief the workmen of those references mentioned above are entitled and from which date?"

2. Since the points of references in all the above mentioned references and in the present reference No. 52/95 being identical in respect of different workmen mentioned in the reference mentioned herein above and same points of facts and law are involved in all those reference the present and other three reference were taken up for hearing analogously.

3. The concerned workmen of all those references by filing separate W.S. and rejoinder as against the W.S.-cum-rejoinder filed on the side of the management have come out identical case which may be set forth as follows:—

The concerned workmen of the reference had been working as permanent workmen in the BCCL since long with unblemished record of service on being appointed by the Chief of Security of BCCL on 13-1-82 as alleged followers although performing their duties in different Collieries of M/s. BCCL in permanent nature of job as per direction, control and supervision of the management.

4. For all purposes the concerned workmen were the employees of M/s. BCCL yet the management were paying them wages much below the rate of NCWA and the Wage Board Recommendation which was much below the wages of Cat. I Mazdoor. The concerned workmen by performing duties connected with the production and incidental to the Mines production. The Chief of Security of BCCL was holding dual post of Chief of Security and Chief of Industrial Force at the time of the appointment of the concerned workmen of the references mentioned above and their appointment as followers was in fact a camouflage method of exploiting the poor workmen although they were performing their duties in different Collieries under the direction, control and supervision of M/s. BCCL with the implements supplied by the management for the purpose of execution of the job with which they were entrusted. The concerned workmen represented before the management on several occasions for

regularisation of their services and for payment of atleast Cat. 1 wages but without any effect. On the other hand such actions of the concerned workmen for regularisation and payment of wages of Cat. 1 increased animosity and superior authority of the concerned workmen although some of the workmen like that of the concerned workmen of the present reference and three other references who were junior to the present workmen were regularised but unfortunately the management adopted a discriminatory method in respect of the demand of the concerned workmen of the references and ultimately stopped them from working without complying with the mandatory provision of the I. D. Act mentioned in Section 25-F of the Act and in violation of the principles of natural justice knowing fully well that the concerned workmen of the references put in attendance for more than 240 days in each calendar year. The concerned workmen vehemently protested against such illegal and arbitrary termination by the management but to no purpose. Finding no other alternative the concerned workmen challenged the illegality and arbitrary order of termination of their services by filing a petition under Sections 226 and 227 of the Constitution of India before Hon'ble High Court, Calcutta which were admitted by the Hon'ble Court and the Hon'ble Court was pleased to issue a direction to maintain status quo and the management of BCLL paid the concerned workmen wages for 18 months as per direction of the Hon'ble Court but the Hon'ble High Court, Calcutta ultimately was pleased to dismiss the Writ Petition on the ground of lack of jurisdiction. The concerned workmen thereafter moved before the Hon'ble Patna High Court, Ranchi Bench but the Writ Petition was dismissed in limine against which the concerned workmen moved Hon'ble Supreme Court which was registered as SLP 2405 of 1986 and the Hon'ble Supreme Court was pleased to remand the case before the Hon'ble High Court for fresh hearing. After hearing the Hon'ble Court directed the workmen to agitate the matter before the appropriate authority and the concerned workmen pursuance of such order of Hon'ble High Court raised a dispute through the sponsoring union concerning Bashish Singh and 38 others which was referred to Central Government Industrial Tribunal No. 1, Dhanbad and registered as Ref. No. 120/90. The Central Government Industrial Tribunal No. 1, Dhanbad passed an Award on 24/7/91 in favour of the workmen directing the management to reinstate the concerned workmen with full back wages with effect from 26-10-88. The concerned workmen of the references mentioned above after such award represented before the management for their reinstatement in pursuance of the Award but without any effect for which the union again raised a dispute before the ALC (C), Dhanbad and as the attempt for conciliation ended in failure as usual because of uncompromising attitude of the management a report to that effect was submitted to the Government of India, Ministry of Labour and the Government of India has been pleased to refer the dispute registered as present and three others as mentioned above to this Tribunal for adjudication as per schedule noted above. In fact the concerned workmen never acted as Home Guard Followers and their demand for reinstatement is quite justified. The management violated the principles of natural justice and mandatory provision of Section 25-F of the I. D. Act in terminating the services of the concerned workmen for which the concerned workmen pray before this Tribunal by submitting the W.S. for answering the reference in their favour by an Award directing the management to reinstate the concerned workmen of all these references with full back wages.

5. The management by filing separate W.S. in all the references mentioned above have made out an identical case by challenging the legality and maintainability of the reference being not arising out of any industrial dispute and having no employer and employee relationship between the management and the concerned workmen of the above references at any point of time. The further case of the management in the W.S. submitted in those references is that the sponsoring union raised the demand before Conciliation Officer by claiming the concerned workmen of all the references as Home Guard followers and that their services were terminated without complying with the provision of Section 25-F of the I. D. Act, 1947 and the references mentioned above are arising out of such demand of the sponsoring union although the Home Guard is a person who is enrolled as such under the provision of Bihar Home Guard Act, 1947 published in Bihar Gazette

dated 11-12-47 when the Government intended to provide voluntary organisation to assist the Police Force in maintaining peace and tranquility with the States of Bihar and to inculcate services of self reliance and discipline amongst volunteers of the public in general and also to develop in them a sense of specific responsibility for which persons desirous of becoming Home Guard required to make their declaration that they will assist the Police Force whenever required in a particular area in which they are placed and after giving such declaration as per first schedule to the Act those persons were granted certificates declaring him or them as Home Guard so that in the event of law or their participation under the control of Police Force, he or they are granted certain immunity against certain acts committed in course of their discharge of responsibility along with Police Force. Such persons are required to put on the dress prescribed by the State Government and they are entitled to get allowance as prescribed under the Bihar Home Guard Rules, 1953. The Home Guard Followers are engaged by the Commandants for the purpose of maintenance of law and order within the state specially in the industrial belt to carry on certain job like show shining, washing the clothes and dress, shaving work, preparation of food like cook and servant. The management requisitioned the services of Home Guard battalion on a temporary basis prior to 1979 and they were no longer required after the management entered into the arrangement with the Central Industrial Security Force (hereinafter referred to as CISF) under the control of Government of India and as soon as the CISF personnel were posted with a view to ensure the maintenance of law and order in coal industry in the year 1979 the Home Guards were no longer required and they were withdrawn by the Government of Bihar as there was no requirement of Home Guard and their followers working as barbar, washerman etc. also went back with the Home Guard. The management did not engage any Home Guard followers and they were never the employees of the management for which the persons like the followers who used to perform the duties of barbar, cook, servant, washerman etc. cannot claim employment under the management. The management engaged CISF on the basis of an agreement entered into between the company and the controlling authority of CISF which has been created under the provision of Central Industrial Security Force Act, 1968 Act for constitution and regulation of a force called CISF for better protection and security of industrial undertaking. Such force will be maintained by the Central Government which consisted of a number of supervisory officials and the members of the force. They receive payment from the Central Government. The Central Government appoint a person as the Inspector General of the force and others as Deputy Inspector General of the force. Whenever a part of the force is placed in the Central Government the same is controlled by the DIG and therefore, he is placed in that industrial establishment. The duties and responsibilities of the member of the forces have been prescribed under Section 10 of the Act giving them authority and certain immunities against certain actions taken by them in the maintenance of law and order in the industrial establishment as mentioned in Section 20 of the Act. The Central Government also frame rules for the maintenance of CISF. The DIG of CISF as well as the commandants have been authorised to engage for serving them as their personal servant in the matter of washing their cloth, shaving them, shining their shoes, preparation of food and for performing cleaning and other job. Such persons are called followers of CISF. Some of the Home Guard followers after departure of the battalion of the Home Guard got themselves engaged with the CISF and started performing the job of their followers but such followers were neither selected nor promoted by the management. They were also not paid or controlled by the management. In fact all those followers were domestic servant of the members of the CISF. They were not connected in any way by performing the job of coal industry or in the matter of production of coal or incidental to the mining work. The management bears the cost of the maintenance of a part of the CISF as per terms of contract between the management and the representative of the CISF but under no circumstances the members of the CISF or their followers can claim to be the employees of the management. The provisions of the I. D. Act, 1947 has no application to the members of the Security Force or to the Home Guard. The question of compliance with the provision of Section 25-F of the I. D. Act, 1947 at the time

of termination of the services of the Home Guard followers or even CISF followers did not arise or cannot arise. Naturally the management has claimed that the allegation of the sponsoring union that the services of the concerned persons was/were terminated without complying with the provision of Section 25-F of Industrial Disputes Act, 1947 is baseless. Even in case if it is assumed that the concerned workmen were genuine followers of the Home Guard or CISF they were practically domestic servant of the force and the provision of the I. D. Act has no application in their case. The Controlling Officers of the Force were quite competent to engage such persons as followers and to terminate their services whenever such services were no longer required. The Officers of the force were getting all benefits and privileges as per agreement between the management and the representative of the force and the management was bearing all the cost for maintenance of industrial establishment. The further case of the management in the W.S. is that the management is not aware if the concerned workmen ever acted as followers of Home Guard or followers of CISF and if they arrest 11 genuine followers and at the same time since the provision of I. D. Act, 1947 having no application in the dispute mentioned above there is no existence of any industrial dispute in any of the reference for which none of those references is at all maintainable for which the concerned workmen are not entitled to any relief. In addition to the case made out in the W.S. the management has also denied the contents of different paras of the W.S. of the workmen by making parawise comments and ultimately has prayed for answering the reference in their favour by an award to the effect that the concerned workmen are not entitled to any relief.

6. As against the W.S.-cum-rejoinder filed on the side of the management the concerned workmen of all the references have also filed rejoinder wherein the concerned workmen challenged the contents of different paras of the W.S. in all the reference as false, frivolous, motivated and accordingly denied the contents of paras 2, 3 and 4. In respect of the contents of paras 5 to 10 the concerned workmen submitted that they were appointed by the Chief of Security of M/s. BCCL and were deputed and posted in different Collieries and areas of M/s. BCCL for performing permanent nature of job directly connected with mine and production but were stopped from duty in utter violation of the mandatory provision of law and principles of natural justice. The story of duties etc. of the Home Guard and story of introducing the provision of Bihar Home Guard Act as mentioned in the W.S. by the management are irrelevant for the purpose of adjudication of the present reference. The concerned workmen denied the contents of paras 11 to 16 of the W.S. of the management by claiming the same to be false, frivolous and motivated and at the same time by claiming that in fact it is false to say that DIG of CISF as well as the Commandant had been authorised to engage persons for serving them as their personal servant in the matter of washing their clothes, shaving them, shining their shoes and preparing food etc. The workmen also deny by saying that it is false to say that some of the alleged Home Guard followers after alleged departure of Home Guard battalion got engaged with CISF and started performing the job of followers. The claim of the concerned workmen is also that it is false to allege that the concerned workmen were neither paid by the management or that they were domestic servant of the members of the CISF or even that they were not the workmen of the Coal Industry. The concerned workmen of all the references described the contents of other paras of the W.S. as false, frivolous, and motivated and have claimed that in fact their services were terminated without compliance of the mandatory provision of I. D. Act, 1947 and in utter violation of the principles of natural justice and as all the concerned workmen were performing the duties of permanent nature of job in different Collieries incidental to mine the sponsoring union was justified in raising the dispute before the ALC (C) and the Government of India on finding the existence of industrial dispute referred the same for adjudication to this Tribunal registered as Reference mentioned above. Naturally the concerned workmen once again have prayed for relief by way of an order for their reinstatement with full back wages by an award in their favour in all references

7. POINTS FOR DECISION

- (1) Whether the present reference as well as other three references mentioned above are legal and maintainable?
- (2) Whether there was any employer-employee relationship between the management and the concerned workmen of the references mentioned above and lastly whether the concerned workmen of all the four references are entitled to the relief prayed for by an Award in terms of their prayer in the W.S. filed in the abovementioned references?

8. DECISIONS AND REASONS

Both parties have adduced oral as well as documentary evidence in support of their respective cases. The management in doing so has examined two witnesses named Shri A. K. Sinha, MW-1 and B. P. Yadav MW-2 and has also produced a number of documents in support of their cases as made out in the W.S. filed in this reference and abovementioned references. The documents so filed on the side of the management and admitted in evidence are as follows:—

Ext. M-1 is a unit service order showing appointment of certain persons mentioned therein. Ext. M-2 is an office order showing suitability of certain persons for their placement as Senior Watcher. Ext. M-3 is another office order cancelling certain order of appointment of as many as five persons mentioned therein. Ext. M-4 is also an office order in respect of such cancellation of 12 persons as mentioned therein. Similar is Ext. M-5 in respect of five persons noted in the office order. Ext. M-6 is also an office order for placement of five persons as mentioned in the order as Senior Watcher. Ext. M-7 is also another office order in respect of 9 persons. Ext. M-8 is a correspondence showing some of the followers of Bihar Home Guard absorbed temporarily in CISF. Ext. M-9 is a confidential report cancelling regularisation of 8 Nos. of alleged erstwhile followers as Senior/Junior Watcher in Vigilance Department. Ext. M-10 is a correspondence by Addl. Chief Personnel Manager (Estab) to DIG and Chief to Security, BCCL, Jhargora in connection with the engagement of followers in the Security Department as Night Guard in Cat. I. Ex. M-11 is also a correspondence by the then DIG/Chief of Security, D.P. S. Chouhan addressed to V. Manohar, Director (P) Koyala Bhawan on the subject of attendance of followers em-

ployed in the Security Department. Ext. M-16 is a Pay order of BCCL. M-13 is Wage Bill under signature of Dy. I.G., CISF. Ext. M-14 is another correspondence by DIG and Chief of Security Shri D. P. S. Chouhan addressed to the Addl. C.P.M. (Estt) Karmik Bhawan. Ext. M-15 is a minute of discussion in respect of the followers. Ext. M-16 is a salary bill of the Security Followers. Ext. M-17 is also a correspondence by the Chairman/Managing Director of BCCL addressed to the I.G. CISF on the subject of absorption of Home Guard in the CISF, BCCL Unit. Ext. M-18 is another correspondence issued from the Office of the Inspector General, Ministry of Home Affairs, New Delhi. Similar is Ext. M-19 and M-20. On the other hand one witness has been examined on the side of the workman in respect of all the four references. The witness is Janabi Jha who is one of the concerned workman in the present reference. Several documents have also been filed on the side of the workmen which include certain letters, notesheets, office orders as well as photo copies of the certified copies of the order of the Hon'ble Court passed in Civil Petition No. 2405 of 1996 marked as Ext. W-1 to W-11.

9. Before I enter into the discussion of the evidenciary value of the statement of the witnesses examined on each side as well as the document admitted in the evidence and marked as exhibits on both sides it may be mentioned here that in the present reference and in all other three references there are certain points over which there is no dispute firstly, that Chief of Security of BCCL was holding the post in dual capacity of DIG/CISF and also as Chief of Security of BCCL is one of such fact. Secondly there is no dispute so far the utilisation of the services of Home Guard battalion of Bihar Government prior to 1979 and thereafter of CISF are concerned. Then again there is also no dispute about the appointment of the followers of Home Guard and subsequently of CISF and it is also not disputed that over the claim of regularisation of such followers a member of litigations started which ultimately resulted in raising dispute before the Conciliation Officer and on his submission of failure report to the Government of India in the Ministry of Labour references were made to this Tribunal for adjudication on the schedule of reference mentioned in the schedule of this reference and three other references. The point of reference being identical in all those references except in respect of difference of the workmen mentioned therein and as same question of law and facts are involved in all those references those were taken up for hearing analogously with opportunity to the

concerned workmen of this reference and to the management to adduce evidence in this reference with a view to cover all the references mentioned earlier at the beginning.

10. Now all the points mentioned above are taken up together for the sake of convenience and brevity. I have already stated that both parties have adduced oral as well as documentary evidence in support of their respective cases as made out in their W.S. making out identical cases in all the four references. The management for the purpose of disproving the claim of the workmen and with a view to prove that in fact there was no employer and employee relationship between the concerned workmen and the management for which the concerned workmen being not entitled to any relief in any of the reference has examined MW-1 and MW-2, in addition to the documentary evidence as detailed herein above. Out of the two witnesses examined on the side of the management MW-1 Shri A. K. Sinha is the Accounts Officer of E.C. Ltd. and he was attached to BCCL since the very inception till August, 1995. Sum and substance of the evidence of this witness is that the DIG/CISF Mr. Chouhan was in fact an outsider as employee of the CISF i.e. Government of India and not of BCCL and was never delegated with any power for appointment of any person by the BCCL. According to him the DIG/CISF Shri Chouhan appointed the concerned workmen not for the BCCL but for CISF and at the subsequent stage the witness stated if such appointment of the concerned workmen by Mr. Chouhan was for BCCL. The posting, transfer etc. of such employees was not managed by BCCL but at the same time he made a contradictory statement by saying that he was not fully aware whether any security followers were appointed by Mr. Chouhan yet the witness has claimed payment for such followers was made by CISF department and not by BCCL. But according to him the contingency expenses of CISF used to come from Government fund and expenditure so incurred was used to be reimbursed by BCCL. The manner in which the witness has tried to depose clearly shows at the early part of his examination-in-chief as to how the witness has tried to belie the fact of payment to the followers of the CISF appointed by Mr. Chouhan, DIG/CISF. But ultimately the witness admitted during his examination-in-chief that as the DIG was the head of Security it can be said that he as head of the Security department presumably of BCCL. It is also in the evidence that the services of one Personnel Manager was placed under the Security department who used to supervise their work. Thus the witness during his examination-in-chief though tried to prove that there was no employer-employee relationship between the concerned workman and the management yet he had to admit during cross-examination that the Chief of the Security had the power of dismissal of the Night Guards etc. attached to the Security

Department though they are employees of the BCCL. This shows the contradictory nature of the statement of this witness during first part of his examination-in-chief that no Officer of CISF like DIG/CISF was ever delegated with any power by BCCL. This being the position I cannot but hold that in fact this witness was made to depose in the fashion in favour of the management in the instant reference for the purpose of adjudication of the reference by an order in favour of the management. Almost similar is the evidence or statement of MW-2, who during his examination-in-chief stated that CISF personnel were posted/deputed, transferred as per order of Mr. Chouhan who was the DIG/CISF and also Chief of Security of BCCL and that they are i.e. the management had no connection with them i.e. CISF and their followers. But during cross-examination the witness failed to recollect if Mr. Chouhan was in dual charge as DIG/CISF and Chief of Security, BCCL and ultimately findings no other alternative the witness had to admit that in fact Mr. Chouhan was the Chief of Security of BCCL. The witness during his cross-examination failed to recollect whether the persons mentioned in Ext. W-1 were the followers of the Security department and that he had no occasion to go through all the papers relating to all the followers for which he was not in a position to say whether the persons mentioned in the references ever worked as followers of CISF and ultimately during concluding part of his cross-examination the witness has expressed his ignorance by saying that he was not aware that the concerned persons were employed by Chauhan Sahib as Chief of Security. I fail to understand how the evidence of this witness is of any help to the management for the purpose of establishing its case that there was no employer-employee relationship between the concerned workmen of the references and the management. Similarly the documents filed on the side of the management shows that there are atleast some documents showing regularisation of the services of some of the followers/Home Guard subsequently of CISF and at subsequent stages cancelled such regularisation on flimsy ground showing the manner in which the management dealt with such question involving serious question of regularisation of certain followers of CISF etc.

11. On the other hand as already stated earlier one witness has been examined on the side of the workmen named Jazabi Jha who has posed himself as WW-1. He deposed for self and all other workmen of all the references mentioned above. His evidence is that he was appointed by the Chief of Security in the year 1982 while some of the concerned workmen of other references were appointed prior to him by the Chief of Security while some other after appointment of this witness. But on getting appointment the witness was working in the despatch Section of the BCCL. Similarly the claim of the witness is that the other workmen

mentioned in the above reference started working in different places and in different collieries of BCCL. The witness has claimed that his work as well as the other workmen was supervised by the Senior Security Officer of BCCL and that they used to perform their job with the help of implements supplied by the management of BCCL yet they used to be paid a sum of Rs. 12 per head per day. The claim of the witness is that the nature of job which they used to perform was not only permanent but connected with the coal industry of BCCL, and that they performed their duties continuously for more than 240 days in a calendar year yet for the reasons best known to the management they were stopped from working from June, 1984 without payment of any notice pay or even without service of notice for termination for which as per evidence of this witness they moved Hon'ble High Court at Calcutta and Hon'ble Court was pleased to issue an order for payment of Rs. 12 on each day to each of the concerned workmen for a term of 18 months and the management was going on paying such amount to each of them but ultimately the Writ Petition was dismissed by the Hon'ble Court at Calcutta for want of jurisdiction and the concerned workman moved Hon'ble High Court of Judicature at Patna at Ranchi Bench but their petition was dismissed compelling them to move Hon'ble Apex Court. Hon'ble Apex Court was pleased enough to remand the case to Hon'ble High Court and this time the Hon'ble Court was pleased to direct for raising a dispute before the appropriate forum and to get the same adjudicated by an Industrial Tribunal. According to him some of the persons who worked with this witness and others in the same terms and conditions were regularised by the management of BCCL as Cat. I Mazdoor while some others obtained verdict of the Court in their favour by filing a case and on all these the witness has claimed for reinstatement as Cat. I Mazdoor and thereby regularisation is quite justified as they never performed the job of barber, water boy, cook etc. after their appointment by the Chief of Security. The witness stood cross-examined at length by the learned Advocate on the side of the management and stereotype question about getting appointment letters etc. were put to the witness. Attempt during such cross-examination was also made to prove the status of this witness as well as the other workman as followers of the CISF for the purpose of performing their duties as Cook, Water boy, shoe-polisher etc. but in fact nothing came out from the lips of this witness to impeach the credit of the witness. It was suggested to this witness at the concluding part of the cross examination that in fact he himself as well as other workmen were employees of the CISF and inspite of that the concerned workmen are claiming to be the employees of BCCL but the witness boldly denied the same. The oral testimony of the witnesses examined on the respective sides is thus on extreme opposite poles yet as I

have stated earlier since MW-1 has deposed in a manner in which he was in fact made to depose and as nothing came out from the lips of WW-1 during his cross-examination by learned Advocate for the management to impeach his credit I am unable to brush aside the value of the statement of WW-1 specially in view of the facts and circumstances of the references and in view of the documents filed by the respective parties and exhibited on each side. Like that of the management several documents have also been filed on the side of the workmen. Out of those documents some are correspondence in the form of letter sometimes for the purpose of payment of wages to the workmen like those of the present reference the wages like Cat. I Mazdoor as per NCWA while some other correspondences are in respect of regularisation of their services under BCCL. Out of these documents there are some which will show submission of the list of the followers on the request of the officers of BCCL with a view to regularise their services while some other documents are certain notesheets. All these documents if taken into consideration along with the oral testimony of the witnesses examined on each side in that case even if it be assumed for argument sake that the DIG/CISF while acting in dual capacity as such and Chief of Security of BCCL appointed the concerned workmen as followers of CISF yet in that case also since as per statement of WW-1 the concerned workmen performed the job of permanent nature continuously for more than 240 days in a particular calendar year with the implements supplied by the management, they were in fact for all purposes were the employees of the management of M/s. BCCL which has been strengthened by the counter affidavit of Shri K. D. Nayar, IPS, Deputy Inspector General, CISF in the Special Leave Petition before the Hon'ble Supreme Court wherein it was categorically stated that the concerned workmen as well as other security agencies were under the direct charge of chief of Security, BCCL Jharia and that the petitioners were employed by the BCCL but were placed under the disposal of the DIG and Chief of Security, BCCL Jharia. Learned Advocate on the side of the management during hearing of the argument submitted at length about the creation of voluntary organisation of Home Guard, the manner of issuance of certificates to the willing candidates utilisation of the services of such Home Guards in the industrial belt for the purpose of maintenance of peace and tranquillity prior to 1979 and thereafter by the CISF who used to appoint followers for the personal services like that of servant and thereby tried to submit that in fact the status of the concerned workmen of all the references were of domestic servant and not employees of the management at any point of time. Then again it was also submitted that in that view of the matter the dispute raised by such domestic servant can never

be treated as industrial dispute, and since there was no existence of any industrial dispute all the reference are not legally maintainable for which none of the concerned workmen of any of the references are entitled to any relief. Naturally learned Advocate submitted for an Award in favour of the management by an order to the effect that the concerned workmen are not entitled to the relief as prayed for. Learned Advocate has also relied upon certain decisions but without supplying the journals. It is true that the submission made by learned Advocate in course of argument is in terms of the case as made out in their W. S. but the same being not supported by any oral testimony or document I am unable to be one with learned Advocate for the management that there was not existence of any industrial dispute for which references are not at all legally maintainable. There is no dispute that an industrial dispute was raised before the ALC(C), Conciliation Officer and when attempt for conciliation ended in failure report to that effect was submitted to the Govt. of India, Ministry of Labour. It is difficult, nay well nigh impossible to presume that the Govt. of India in the Ministry of Labour without consideration of the failure of conciliation report immediately like that of Post Offices referred the schedule of references in the above mentioned references to this Tribunal for adjudication without satisfying themselves about the existence of any industrial dispute between the management and the concerned workmen. This is one of the circumstance which is sufficient enough to hold that since there was existence of industrial dispute considered by the Govt. of India in the Ministry of Labour for which the disputes were ferred to this Tribunal for adjudication I cannot but hold that the present reference as well as other three references mentioned earlier are legally maintainable Point No. 1 is disputed of in favour of the workmen by answering the same in affirmative and as I have stated already earlier and as it is evident from the discussion made herein above since there was relationship of employer and employee between the management and the concerned workmen of all the references and at the same time nothing was submitted about the non-service of any notice of termination or payment of notice pay before termination of services of the concerned workmen involved in violation of the principles of natural justice, I am constrained to hold that the concerned workmen are entitled to the relief prayed for in their W. S. or in other words to an order for their reinstatement with full back wages from June, 1984. I, therefore, direct the management to reinstate all the concerned workmen of the present reference as well as of other three references with full back wages except the workman Ram Awadesh Singh and Vijendra Kumar Singh of Ref. No. 54 of 1995 because of the fact that the name of Ram Awadesh Singh does not find mention in the list of the workmen

submitted on the side of the concerned workman and admitted in evidence as Ext. W-5 and so far Vijendra Kumar of Ref. 150/93 is concerned an Award has already been passed in his favour.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 1998

का प्र. 2223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, बी.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं 2), धनबाद की पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-98 को प्राप्त हुआ था।

[सं एल-20012/112/90-आई.आर. (सी.1)]

एस. एस. गुप्ता डेस्क, अधिकारी,

New Delhi, the 12th October, 1998

S.O. 2223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 12-10-98.

[No. L-20012/112/90-IR(C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 40 of 1990

PARTIES :

Employers in relation to the management of
Madhuban Colliery of M/s. B.C.C.L.
and their workman

APPEARANCES :

On behalf of the workmen—None

On behalf of the employers—None

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 22nd September, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/112/90-IR (Coal-I), dated the 27th November, 1990.

SCHEDULE

“Whether the management of Madhuban Colliery in Barora Area No. I of M/s.

BCCL is justified in changing the job of Shri Jagan Kumar from Miner Loader to Gen. Mazdoor vide Office Order No. GM-1/PD/0.0/519/2592/84, dated 17/20-9-84 and not protecting his wages which he was paid prior to 20-9-84? If not, to what relief the said workman is entitled to?”

2. Soon after the receipt of order of reference notices were duly served upon the parties. But both the parties abstained from appearing before this Tribunal. Then again and again notices were issued to them but in spite of the issuance of the notices to them they neither appeared nor took any steps. It, therefore, leads me to an reference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a ‘No dispute’ Award in the reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 1998

का प्र. 2224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निर्दिष्ट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं एल-12012/244/91-आई.आर. (बी-11)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 13th October, 1998

S.O. 2224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 9-10-98.

[No. L-12012/244/91-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated, 24th day of September, 1998

PRESENT :

Mr. Justice R. Ramakrishna, Presiding Officer
Central Reference No. 15/1992

I PARTY

Prakash Bhakta,
C/o General Secretary,
D.D.B.E.A.,
9, Corporation Bldg.,
Broadway, P.B. No. 18,
Hubli-580 020.

II PARTY

The Chairman & Managing Director,
Syndicate Bank,
Head Office,
Manipal-576 119.

AWARD

The Government of India, after having considered that an Industrial Dispute exists between the Parties referred to above, has referred the matter for adjudication and Award the following issue :

“Whether the action of the Management of Syndicate Bank is justified in voluntarily retiring the services of Shri Prakash Bhakta w.e.f. 8-7-1989 ? If not, to what relief is the workman entitled to ?”

During the pendency of the disputes, the First Party dated on 7-8-93. A Death Certificate to this effect had been provided along with an application and ORDER XXII Rule 3 read with Section 151 of the Code of Civic Procedure.

One Dr. K. Chandra Kala M. Bhakta claimed herself to be the sister of First Party workman, who is entitled to continue the proceedings as the Legal heir of the First Party.

This Tribunal by a existing Order dated 1-7-97 has dismissed the application after giving cogent reasons.

It appears that the aggrieved party has not challenged this Order. Now any Writ Petition against this Order lacks credence due to long lapse of delay.

The Second Party has filed a Memo to this effect.

In view of the circumstances mentioned above; the following order is made :

“The reference has become infructuous and abated. Accordingly this reference is rejected”.

(Dictated to the Secretary, taken down by him, got typed and corrected by me).

JUSTICE R. RAMAKRISHNA, Presiding Officer
नई दिल्ली, 24 अक्टूबर, 1998

का.आ. 2225 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 की के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण 1, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-98 को प्राप्त हुआ था।

[सं एल -12012/261/96-आई आर-बी II]
सी० गंगाधरन, डेस्क अधिकारी

New Delhi, the 24th October, 1998

S.O. 2225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 14-10-1998.

[No. L-12012/261/96/IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri C. V. Raghavaiah, B.Sc., B.L.,
Industrial Tribunal-I.Tuesday, the 11th day of August, 1998
Industrial Dispute No. 49 of 1997

BETWEEN

The General Secretary,
Dena Bank Employees Union,
C/o Dena Bank,
Bank Street,
Hyderabad-400003... Petitioner/
Workman.

AND

The General Manager (P),
Head Office,
Dena Bank Maker Tower 'E'
Cuffe Parade,
Mumbai-400003... Respondent/
Management.

APPEARANCES :

Sri Prithvi Raj, representative for the
petitioner.

Sri Parmeshwar G. representative for the respondent.

AWARD

The Government of India by its Order No. L-12012/261/96/IR(B-II), dt. 5-8-97 made this reference U/s. 10(1)(d) and 2(A) of the Industrial Disputes Act, 1947 hereinafter called the Act for adjudication of the Industrial Dispute mentioned in the schedule which reads as follows :

“Whether the demand of the Dena Bank Employees Union, Hyderabad for empanelment for absorption in future vacancies in respect of Smt. Jayalaxmi Casual Peon, Dena Bank, Gaganmahal Branch, Hyderabad is justified? If so, to what relief the affected workman is entitled?”

The reference was registered as I.D. 49/97. On being served with notices, both the parties appeared through their representatives and filed their pleadings.

2. In the claim statement filed by the union on behalf of the workman Smt. Jaya Laxmi it is stated that Smt. Jaya Laxmi was working at Gaganmahal Branch of Dena Bank, Hyderabad as casual peon since December, 1985 continuously. Her case was taken up by the union for confirmation of her service as a permanent employee in terms of the bipartite settlement in force as per which a temporary employee who worked for more than 90 days continuously in a permanent vacancy, if it is not filled up before 90 days, the said employee is entitled for permanent employees claim. It is further stated that during structural meetings (Industrial relations meetings for solving grievances of the employees) also the union has taken up the case of the workman several times for regularisation but the management failed to regularise her service as permanent employee. The petitioner union at All India Level has also held discussions regarding empanelling of Budlee peons and absorbing them who have completed 240 days of service and agreement was also signed on 25-9-92 by the management of the respondent bank. In spite of the said agreement, the workman Smt. Jaya Laxmi was not empanelled though several other sub-staff are recruited in the bank in Andhra Pradesh area. The union thus contended that the workman Smt. Jaya Laxmi is entitled to be empanelled and direction may be given to that effect to the respondent bank i.e. to regularise the service of Smt. Jaya Laxmi with all attendant benefits.

3. The respondent bank filed a written statement resisting the reference. It admitted that the workwoman Smt. Jayalaxmi was engaged as Badali peon since 1986 intermittently as the same is permissible under clause 20.7 and 20.8 by the bipartite settlement dt. 9-10-66. It however contended that the workwoman did not work for 240 days in any calendar year that she worked for 28 days in 1986,

38 days in 1987, 65 days in 1988, 67 days in 1989, 92 days in 1990, 64 days in 1991, 43 days in 1992 and 52 days in 1993 and as such she is not liable to be empanelled or regularised as per the bipartite settlement dt. 25-5-92 relied on by the union. It further contended that no vacancy can be filled up unless it is approved by the head office because of the restrictions on the recruitment and even for the period of empanelment, the name of the candidate has to be sponsored by the District Employment Exchange and as the name of the worker Smt. Jaya Laxmi was not sponsored by the employment exchange office, the question of empanelment does not arise. It thus prayed for answering the reference against the union exposing the cause of the workwoman Smt. Jaya Laxmi.

4. From the above contention, the following point arises for consideration :

Whether the demand of the Dena Bank employees Union, Hyderabad for empanelment and absorption in future vacancy in respect of Smt. Jaya Laxmi, casual badali peon, Dena Bank, Hyderabad is justified? If so, to what relief the effective workmen are entitled?

5. The workwoman Smt. Jaya Laxmi examined herself as WW1. While Sri S. V. Prasad, Manager, Dena Bank, Gaganmahal branch was examined as MW1 and further on behalf of the respondent bank Exs. M1 to M3 are marked. During the course of the arguments on behalf of the union Exs. W1 to W7 are marked with consent.

6. Point : This reference was made at the instance of the employees union of Dena Bank for empanelment and absorption of workwoman Smt. Jaya Laxmi working as Badli employee, Dena Bank, Gaganmahal branch. According to the union, that WW1 workwoman Jaya Laxmi is working continuously from 1986 that she is entitled to be empanelled and regularised in terms of Ex. W2 memorandum of settlement reached by the union and the management on 20-9-92 as per which all the temporary employees working for 240 days or more and engaged on or after 1-1-82 have to be empanelled. The respondent on the other hand contended that the workwoman has not worked for 240 days as provided under Ex. W2 to claim for regularisation. Both the parties are relying on Ex. W2 settlement dt. 25-9-92.

7. A perusal of Ex. W2 would show that one of the items over which both the parties came to an agreement is empanelment of temporary employees subject to verification whoever engaged as temporary employees on or after 1-1-82 and who have worked for 240 days or more of temporary service in any continuous period of 12 months subject to recruitment norms in respect of age and educational qualification when they are first engaged by the bank.

On satisfactory proof of their temporary employment in a continuous period of 12 months in the

bank. In terms of the said agreement, information was called for from all the branches with regard to temporary employees engaged by the bank for a period of 240 days or more for their empanelment.

8. The documents marked on behalf of the union would show that the question of regularising the services of temporary employees is engaging the attention of the union and the management since from a long time, before Ex. W2 agreement could be arrived at. Ex. W5 is the minutes of Structural meetings held on 25-2-89. A perusal of it would show that one of the items discussed is regularisation of the badli sepoys in Andhra Pradesh. It is covered by item No. 14. It was represented on behalf of the union at the time of the said meeting that there are 5 badli sepoys in Andhra Pradesh whose services have to be regularised as was done in the case of Calcutta. The management has agreed to examine the matter on merits as per the present policy of the Bank it is not aware of the settlement entered into by the Calcutta branch. Ex. W5 structural meetings was held at Bangalore. Ex. W6 is another structural meeting held at Bangalore at Zonal office on 12-10-90. In the said meeting also the question of regularisation of temporary employees has come up for consideration and it has also come up for discussion for the regularisation of part time cleaners who have been paid lumpsum amount. The demand was raised by Karnataka union and it was agreed that there are 8 part time cleaners in Tamilnadu, one in Kerala, one in Andhra Pradesh i.e. in Gaganmahal branch and the union demanded that the above 10 cleaners have to be regularised in the service of the bank as part time employees. The management has agreed to examine the matter in detail on receipt of full details from the concerned region.

9. In respect of demand raised by Kerala Union, it was decided in that meeting that one Vidhyadharan who is in the panel and who worked in leave vacancy since 1995 may be posted at Cannore as a special case. But the said agreement was not implemented as a result of which the union raised the dispute and the dispute was referred for adjudication by the Government of India to the Industrial Tribunal Alleppy and registered as I.D. No. 61 of 96 as borne out by Ex. W7 award passed in that I.D. A perusal of Ex. W7 would show that the respondent bank was directed to give postings to the workman Vidvadharan in Cannore branch, as substaff as agreed in the structural meeting dt. 12-10-90. In the year 1991 there was again a structural meeting of Dena Bank employees union at Bangalore as borne out by Ex. W3 and also W1. In these meetings also the question of regularisation of temporary staff came up for discussion. Ultimately, in the year 1992 as stated above an agreement was reached by the management and the union for regularisation of the temporary employees who have put in 240 days of

service in any continuous period of 12 months as borne out by Ex. W2. A perusal of Ex. W2 would show that list of such employees have been called for from all the branches pursuant to the said settlement and the name of the worker Jaya Laxmi find place against Sl. No. 110 at page 5. It contains the names of the persons who have completed 240 days under one head. Name of the persons who have put in not less than 240 days of service which is shown as Annexure-A. As per the settlement person shown in annexure-A have to be absorbed subject to the condition that they completed 240 days in any continuous period of 12 months and subject to age, educational qualification and satisfactory work. At the meetings held subsequently i.e. in the years 1994, 1995, 1996 and 1997 also as could be seen from Ex. W1 the subject to relating to regularisation of part time substaff came up for consideration and it was decided that a small group consisting of representatives of coordination committee and management will meet shortly and finalise list of persons to be considered for regularisation.

10. Thus it has to be seen whether WW1 workman is entitled to be absorbed or empanelled as permanent employee by virtue of Ex. W2 settlement reached regarding the regularisation of temporary employees. As stated above only those temporary employees who have worked for 240 days continuously in a calendar year are entitled to be empanelled subject to other conditions like age, qualification, vacancy position and character rolls. According to the union WW1 fulfilled the primary requirement of working for 240 days or more continuously for 12 months which is however disputed by the respondent bank.

11. The evidence of WW1 is effected workman would show that she is working since 1985 in Domalguda Branch of the respondent branch. She will be working only for 3 hours per day. She is paid wages weekly once. At present she is paid Rs. 15/- per day and she takes leave for 10 to 12 days in a calendar year but there is no salary cut during that period. As such she is entitled to be absorbed as the regular employee as she is still working as a temporary sweeper in the respondent bank. Her cross examination revealed that from 1986 to 1993 she was engaged from time to time in the absence of regular employee. Initially she was paid Rs. 5/- per day on weekly basis. She has attended to sweeping which is a casual work and when all of the 3 substaff of the bank are on duty she is not engaged as sweeper. She could not however say for how many days she has worked. From her evidence it is obvious that she was working intermittently whenever one of the 3 sub-staff of the branch applied for leave.

12. The evidence of MW1 would also go to show that as and when regular sub-staff applied for leave, WW1 was engaged as badli peon. No appointment order or termination order was issued whenever she was engaged or disengaged as badali

peon and she was paid lumpsum amount in cash. He has stated further that she was not engaged continuously, and she did not work for 240 days in any calendar year. He filed Ex. M1 letter addressed by the branch manager to the Regional Office showing number of days WW1 worked in the branch from the year 1986 to 1993. He has further filed Ex. M3 bunch of vouchers under which payment was made to WW1 and which are from 1990 to 1993. With regard to the vouchers of the earlier years, he stated that they are not available as under Ex. M2 instructions of the head office the vouchers have to be preserved only for the period of 8 years.

13. A perusal of Ex. M1 in the absence of any other material on behalf of the workman would show that in the year 1986 WW1 worked for 28 days, in the year 1987 for 38 days, in 1988 for 65 days, in 1989 for 67 days, in 1990 for 92 days, in 1991 for 64 days, in 1992 for 43 days, in 1993 for 32 days and it is further mentioned that as cleaner-cum sepyo working in the bank was transferred from the branch and as no replacement was given WW1 workman was engaged for wages of cleaning the premises from July, 1996 onwards and they are paying Rs. 15 per day to her. It would appear that the bipartite settlement dt. 9-10-66 provides for appointing temporary workmen for a limited period for doing work of temporary in nature due to the absence of permanent workmen. Ex. M1 was written by MW1 to the regional authority. As stated above, Ex. W2 settlement provides for calling for information from the branches for regularisation of temporary employees. As stated above the annexure-A attached the settlement deed in Ex. W2 shows that the name of WW1 is mentioned against Sl. No. 10 and against her name it is mentioned as details not available. But we have Ex. M1 giving the details of number of days WW1 worked from the year 1986 to 1993. A perusal of it would show in none of the calendar years, during the above period she worked for 240 days as provided in Ex. W2 agreement to seek for empanelment or absorption as a regular employee. But from Ex. W1 it would appear that she is working from July 1996 onwards to this day continuously. MW1 has also admitted that since July 1996 they are utilising the service of WW1 as mentioned in Ex. M1. There is nothing in his evidence to show that she has not worked for 240 days during this period. But by the date of reference i.e. 29-7-97 she might not have completed 240 days.

14. But having regard to the facts and circumstances of the case and as the workwoman W. W. 1 is working since 1986 with occasional breaks now and then and as the material on record shows that she has worked for 240 days since July 1996 onward though she has not worked for 240 days continuously in any calendar year prior to 1993 as can be seen from Ex. M1. I am of the view that union which is espousing the cause of WW1 who is the only badli sepyo or temporary sweeper working in Gaganmahal branch, since 1990 for regularisation as could be seen from Ex. W6 is justified in seeking her empanelment or absorption on a permanent basis, in future vacancy of course subject to other restrictions like age, qualification, character as provided under Ex. W2 settlement.

15. The point is hence answered accordingly, holding that the request of the workwoman Jayalakshmi in seeking her regularisation is justified subject to satisfying the other conditions like age, qualification, character rolls, etc. as provided under Ex. W2 settlement. The respondent is therefore directed to empanel WW1 workwoman Smt. Jaya Laxmi subject to recruitment rules and other qualifications prescribed under Ex. W2 bipartite settlement reached by the workers union and the management in the year 1992 in future vacancy.

16. In the result, the reference is answered accordingly by holding that the demand of the petitioner's union in seeking regularisation of worker Smt. Jaya Laxmi is justified and directing the respondent management to empanel WW1 Smt. Jaya Laxmi in future vacancy in terms of Ex. W2 settlement taking into consideration that she has been working since 1996 and also continuously from July, 1996 as per Ex. M-1 letter written by the branch manager to the regional Office.

Dictated to the Sr. Stenographer, transcribed by her, corrected by me and given under my hand and the seal of this Tribunal, this the 11th day of August, 1998.

C.V. RAGHAVIAH, Industrial Tribunal-I, Hyd.

Appendix of Evidence.

Witnesses Examined

for the Petitioner :

Witnesses Examined : for the respondent.

W.W.1 Jaya Laxmi

M.W1 S. V. Prasad.

Documents marked for the Respondent/Management :

Ex. W1 Bunch of minutes of discussions dated 14-10-91, 18-4-94, 23-10-95, 28-4-95 and 21-10-97.

Ex. W2 Memorandum of settlement between the workmen and the management.

Ex. W3 Xerox copy of Agenda for the structural meeting of Dena Bank, E.U. Karnataka Unit.

Ex. W4 Minutes of discussions dated 3-1-92 held between workmen and the management.

Ex. W5 Minutes of discussion with the workman and the management dated 25-2-89.

Ex. W6 Minutes of discussion with the workmen and the management dated 13-10-90.

Ex. W7 Award copy in I.D. 61/92 of Industrial Tribunal Alleppey.

Documents marked for the Respondent/Management :

Ex. M1 Letter addressed by the Branch Manager to the regional office dated 26-5-97 regarding the working days of WW1.

Ex. M2 Extract from Bank's manual of Institute regarding presentation of bank records and vouchers.

Ex. M3 Bunch of vouchers (184) showing the payments made to WW1.

Sd/-

Industrial Tribunal-I, Hyd.